1408

SELECTIONS

FROM

THE RECORDS

OF THE

GOVERNMENT OF BENGAL.

Collectorate Library.
Group no
Serial no
Rack no
Shelf no
DACCA.

No. XXXIII.—PART III.

PAPERS

RELATING TO

INDIGO CULTIVATION IN BENGAL.

Published by Authority.

Calcutta:
BENGAL SECRETARIAT OFFICE.
1860.

SERIAL ...
HEAD.
Received from
Record Room
16th JUL 1927
Register Entry No. 868

TABLE OF CONTENTS.

PART III.

Subject.	*Page.*
No. XXVII.—Explanation of the Deputy Magistrate of Kalarooah in regard to the publication of the Perwannah issued by him in August 1859 to the Police of his Sub-Division, to which the Indigo excitement, in a part of the Nuddea District, had been by some attributed, and the orders thereon, ...	605 to 614
No. XXVIII.—Correspondence relative to the case of a Mooktiar sentenced by Mr. Deputy Magistrate G. C. D. Betts to imprisonment on a charge of instigating Ryots not to sow Indigo. Mr. Betts' explanation and the orders thereon,...	615 to 627
No. XXIX.—Advocate General's opinions on several points relative to the working of the Indigo Act, No. XI. of 1860, and the correspondence connected therewith,.....	628 to 647
No. XXX.—Correspondence relative to cases in which the Lieutenant-Governor had to correct the hasty and improper decisions of some of the Magisterial Officers in the Nuddea and Pubna Districts, in the trial of cases under Act XI. of 1860,.....	648 to 702
No. XXXI.—Correspondence relative to certain cases of breach of Indigo contracts tried by Mr. Herschell, Officiating Magistrate of Nuddea, in which the prosecution completely broke down, and the Kaboolyuts brought forward to support the charges were found to be forged, ...	703 to 716

	Page.
No. XXXII.—Case of abduction of a Ryot named Seetul Turufdar by the servants of the Hanskhally Indigo Factory,	717 to 730
No. XXXIII.—Mr. Yule's remarks on the trial of the Rioters who attacked Mr. Lyon's Factory at Bunnyagaon. Mr. Browne Wood's reports on the disturbances connected with the cultivation of Indigo in the Aurrungabad Sub-Division, and the orders thereon,	731 to 780
No. XXXIV.—Petition from certain Inhabitants of Nuddea and Jessore complaining of the oppressions of the Indigo Planters, and the orders thereon,	781 to 795
No. XXXV.—Petition from certain Inhabitants of Thannah Hanskhally, in Nuddea, complaining that the local Authorities refused their application for compensation for the losses sustained by them at the hands of Mr. White, of the Bansbariah Indigo Factory, and the orders thereon,	796 to 798
No. XXXVI.—Petition from Ryots of Nuddea, Jessore, and Pubna, complaining of the high rates at which damages for alleged breaches of Indigo contracts have been awarded, and praying for the appointment of a Judicial Officer to review the erroneous proceedings of the Magistrate,	799 to 802
No. XXXVII.—Petition from Okhil Chunder Biswas, of Nuddea, praying for a review of the proceedings of the Magistrate of that District in the case of outrage committed on him by Mr. White, of Bansbariah	803 & 804
No. XXXVIII.—Petition from certain Ryots of Jadubpore and other Villages of Thannah Bhagda, in Nuddea, complaining of the oppressions practised on them by Messrs. Larmour and Cockshott, of the Katgurrah Indigo Factory,	805 to 815
No. XXXIX.—Petition from certain Ryots of Jungul, in Pubna, complaining of the oppressions practised on them by Mr. Durand, of the Nischintapore Indigo Factory,	816 to 821
No. XL.—Petition from certain Prisoners in the Pubna Jail, complaining of their having been unjustly punished on a false charge of having intimidated Ryots not to sow Indigo	822 to 825
No. XLI.—Petition from certain Inhabitants of Thannah Shumshergunge, in the Aurungabad Sub-Division, complaining of the oppressions practised upon them by Mr. Lyon, Indigo Planter of the Bunnyagaon Factory	826 to 828
No. XLII.—Further proceedings connected with the Indigo question in the Nuddea Division	829 to 928
No. XLIII.—Further proceedings connected with the Indigo question in the Rajshahye Division	929 to 1020
No. XLIV.—Destruction of the Indigo Plant in a part of the Ruckadanga Concern, in the Furreedpore District	1021 & 1022

Page.

No. XLV.—Objection taken by the Central Committee of the Benga Indigo Planters' Association to an expression of opinion in an official letter to Government by the Commissioner of Nuddea, and the reply thereto, ... 1023 &. 1024

No. XLVI.—Appointment of the Indigo Commission ..... 1025 to 1033

No. XLVII.—Correspondence with the Indigo Planters' Association relative to the prosecution of witnesses who might give false evidence before the Indigo Commission 1034

No. XLVIII.—Correspondence with Mr. F. Beaufort, C. S., relative to a Perwannah stated to have been issued by him, when Magistrate of Jessore, to one Luttafut Hossein, Zemindar,..... 1035 to 1039

No. XLIX.—Statement made by Mr. G. Mears, in his deposition before the Indigo Commission, that certain instructions issued by the Commissioner of Nuddea affected the judicial independence of the Principal Sudder Ameens deputed to try Indigo cases in that District, and Mr. Lushington's reply thereto, ... 1040 & 1041

No. L.—Complaint of the Indigo Planters' Association against Mr. Herschell, Officiating Magistrate of Nuddea; and the reply thereto,..... 1042 to 1078

No. LI.—Complaints made in the *Indian Field* and *Hindoo Patriot* Newspapers against the proceedings of Mr. Molony, Magistrate, and Mr. Skinner, Joint Magistrate of Jessore, and the result of the enquiry thereon,..... ..... 1079 to 1170

No. LII.—Memorial presented by the Bengal Indigo Planters Association to the Government of India, complaining against certain proceedings of the Lieutenant-Governor, and the Minute recorded by the Lieutenant-Governor thereon,..... ..... 1171 to 1211

PAPERS

RELATING TO

INDIGO CULTIVATION

IN

Bengal.

PART III.

No. XXVII.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 18, dated the 22nd May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 1560, dated the 7th ultimo, and in reply to submit herewith in original the explanation furnished by Deputy Magistrate Baboo Hem Chunder Kerr of the circumstances connected with the publication of the Perwannah issued by him in August 1859.

2. I request the favor of your returning the enclosure when no longer required.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2762, dated the 26th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your communication No. 18, dated the 22nd instant, submitting an original letter from Deputy Magistrate Baboo Hem Chunder Kerr.

2. The Lieutenant-Governor desires me to remark that Baboo Hem Chunder Kerr has taken nearly a month to give an explanation which he ought to have given within two days; and the interval appears to have been occupied in the preparation of a very long paper on irrelevant subjects. The Deputy Magistrate was not called upon to defend himself against any charges of Mr. Larmour's; or to enter upon any topics other than an explanation of his conduct in publishing the Perwannah, and wording it as he did. To this nine-tenths or more of his letter are irrelevant; and the records cannot be encumbered with so much irrelevant matter.

3. Baboo Hem Chunder Kerr's letter is accordingly returned herewith, and I am to request you will call on him for a paper which shall be strictly confined to "an explanation of the circumstances connected with the publication of the Perwannah" issued by him; and of the wording of that Perwannah with reference to its imputed faultiness.

4. This paper should be submitted immediately.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 46, dated the 8th June 1860.)

SIR,

REFERRING to your letter No. 2762, of the 26th ultimo, I have the honor to submit, for the consideration of His Honor the Lieutenant-Governor, a letter in original from Deputy Magistrate Baboo Hem Chunder Kerr, No. 79, dated 2nd instant.

2. The explanation given by the Baboo is not what was required of him, as it still exists of much irrelevant matter. In order, however, to avoid any further delay, I have not thought it proper again to return it to him, but have marked in red lines such parts of it as I consider deserve the attention of His Honor the Lieutenant-Governor with reference to the circumstances of the case.

From BABOO HEM CHUNDER KERR, Deputy Magistrate of Kalarooah, to the Officiating Commissioner of the Nuddea Division,—(No. 79, dated the 2nd June 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your Office Memorandum No. 19, of the 30th May last, endorsed on Mr. Secretary Young's letter No. 2762, bearing date the 26th ultimo, to your address,

and, in accordance to the orders contained therein, beg leave to submit the following retrenched explanation of the circumstances connected with the publication of a Perwannah by me in August last, relative to the duty of Police Officers in cases of disputes regarding the cultivation of Indigo in this Sub-Division, for the consideration of His Honor the Lieutenant-Governor.

2. I assumed charge of this Sub-Division on the 10th of August 1859, and on the 20th following, I received from Mr. Eden an Extract from the Government letter above alluded to. In the letter which gave cover to the Extract, Mr. Eden distinctly stated that the course laid down in the Government letter "for the Police in Indigo disputes is to protect the Ryot in the possession of his lands." In the Government letter itself (paragraph 11,) it is stated that "no one would question the propriety of the Police interfering to protect a subject from such an outrage" (as forcible entry.) Again, "the Lieutenant-Governor doubts if Mr. Grote would hold that on Mr. Larmour's call on the Police for protection, it would be throwing too much responsibility on the Darogah to expect him to act on the conclusion that Mr. Larmour had a right to such protection under the circumstances." In the 12th paragraph again it is stated, "indeed every Police Officer must act in the exercise of his proper functions on his own responsibility and he could not be relieved from that necessity without making him altogether useless." These remarks left no doubt in my mind that the object of the Government was to lay down the Law regarding forcible entry in connection with the sowing of Indigo for the guidance of the Police, and I thought it my duty to keep the Darogahs under me duly informed of what course they should follow in cases of the kind. I accordingly had the second paragraph of Mr. Eden's letter duly translated and forwarded to them in the form of Perwannahs, for their information and guidance. No mention was made that it should be communicated to the Officers under the Darogahs, or promulgated to the public at large, for I did not think that instructions, such as were communicated in the Perwannah, were needed by Officers under the rank of a Darogah, and it never occurred to me that any Darogah would formally communicate to his Subordinates orders which were intended solely for his own guidance. It happened, however, that on the receipt of my Perwannah, the Darogah of Kalarooah, Essan Chunder Bondapudia, issued a *Hookoomnamah* in the name of the Pharcedar of the Police Out-station of Bakra, communicating a copy of the Perwannah and desiring him to be

guided thereby. The Phareedar took the Perwannah to the market place of Bakra and promulgated it to the public by beat of drum. He had no instructions whatever to do so, and indeed I had no knowledge of his having done so, until on the receipt of Mr. Mackenzie's letter to the address of the Commissioner of Nuddea, dated 14th of October 1859, I sent for the Phareedar immediately and took down his statements in writing.

3. The other Darogahs did not communicate the Perwannah to their Subordinates, and at no other place has it been published in the manner described by Mr. Larmour; and I beg to assure you that if I had any idea that my Perwannah would be communicated by the Darogahs to their Subordinates, I would either never have issued it at all or given special directions to the Darogahs to use it solely for their own guidance.

4. The conduct of the Phareedar was no doubt reprehensive, but, (as stated in my letter to the Magistrate of Baraset of the 28th November last, paragraph 6, noted in the margin,) I did not take any notice of it, as the subject was then under the consideration of the Commissioner of the Nuddea Division.

"In conclusion, I beg to say that I have left the Burkundauz "without any further enquiry or without taking any other steps "for his conduct, as the case is pending inquiry in the hands of "the Commissioner."

5. My object in issuing the Perwannah was, (as I have already informed you in my letter of the 30th November last, paragraph 4,) to keep the Darogahs under me duly informed of what their duty should be in cases to which it applied, particularly as I was well aware, and it was admitted by Government, (*vide* Mr. Secretary Young's letter of the 7th April last, paragraph 3), that before "the practice in such cases has been various, uncertain and often contrary to Law." Indigo is largely cultivated within the jurisdiction of the Thannahs under me, and complaints are frequently made by Ryots of forcible cultivation of Indigo by the servants of Planters, and of the latter being maltreated by the former while sowing their Crops, and breaches of peace consequent thereon. It was desirable, therefore, that the Darogahs should know what their duty should be in all such cases, and I felt that I would place myself under grave responsibility, if I did not keep them informed of the latest ruling of Government on the subject, particularly as that class of Officers were directly alluded to in the Government letter. If I have been mistaken, it is due to my anxiety to see my Subordinates discharge their duties in perfect accordance with the

wishes of Government, and not to set one section of the community against another, and create disturbance in the Sub-Divisions for the peace of which I alone must be held responsible.

6. It has been argued by the Hon'ble Mr. Eden that forcible entry is one of that class of cases which the Police cannot investigate without the order of the Magistrate, and therefore any general instructions on that head can be of no use to Officers of the rank of a Darogah, but as the Law now stands, the Police are empowered, and indeed are bound to prevent a forcible entry when they find an unlawful assemblage of men intent upon forcibly entering into another's possessions just in the same way that they are required to prevent an assault or affray when occurred, though they cannot by Law investigate an assault case without the orders of a Magistrate (*vide* Government letter No. 4516, of 21st July 1859, paragraph 11, quoted in the margin.) I felt therefore that the orders of Government on the subject were likely to prove as often useful to the Darogahs and to their Superiors.

"The Lieutenant-Governor is unable to see any difference of "principle when the case is one of forcible entry which is no less "an outrage, when without color of Law than the forcible "seizure of personal property; and he believes that in any case "unconnected with Indigo, no one would question the propriety "of the Police interfering to protect a subject from such an out-"rage. Suppose the case reversed, and that these Ryots, alleging "that Mr. Larmour had promised to let them have the use of his "houses and grounds, had entered that gentleman's premises, and "insisted on sowing his garden with rice, or had taken possession "of his Factory to store their grain in it, the Lieutenant-Governor "doubts if Mr. Grote would hold that on Mr. Larmour's call on "the Police for protection it would be throwing too much respon-"sibility on the Darogah to expect him to act on the conclusion "that Mr. Larmour had a right to such protection under the "circumstances."

7. I was placed in charge of a Sub-Division for the first time in my life on the 17th July 1857, and within three weeks after it, I was transferred to a situation which was noted for being exposed to influences, not favorable to an honest and conscientious discharge of duties and the proper administration of justice between man and man. It was just then that, when I received the view of the Lieutenant-Governor on a question of the utmost importance, relative to the peace of the District placed under my care, I thought I could not better carry out the wishes of Government than by communicating it to the Darogahs under me. I regret to find that I was mistaken.

8. I have, however, the consolation to say that I was not singular in my views regarding my responsibility as immediately after the issue of the Perwannah, when I verbally communicated the circumstance to my Superior Mr. Ward (not to Mr. Eden as has been reported by Mr. Commissioner Grote,) that Officer did not either express his disapprobation

of the step I had taken or direct me to recall my Perwannah, and I was led to believe that what I had done was right and proper. Subsequently I had occasion to wait on that Officer several times, but never heard anything from him expressive of his disapproval of the Perwannah in question.

9. Having thus explained the circumstances under which my Perwannah of August last was issued to my Darogahs, and published by one of the Phareedars, contrary to my wishes and orders, and the reasons which induced me to give it to them, I shall not take up the time of His Honor the Lieutenant-Governor with any remarks to show what effect it had in influencing the Ryots to break their Contracts with Indigo Planters and refuse to cultivate Indigo. The utter worthlessness of Mr. Larmour's complaints on this head had been thoroughly and most ably exposed by the Hon'ble Mr. Eden in his letter to Mr. Secretary Young of 28th March 1860, paragraphs 15, 16, 17 and 18. I beg most respectfully to refer His Honor to that communiction for a full explanation of the subject. It will show most clearly that the unfortunate Perwannah had no influence whatever in inducing the Ryots to follow the cause they have done.

10. In Mr. Secretary Young's letter No. 1560, of the 7th April, my attention has been drawn to the faultiness of the wording of my Perwannah, but no mention has been made to the particular part which is faulty. It appears, however, from the Hon'ble Mr. Eden's letter of the 28th March last, paragraph 13, quoted in the margin, that my expression, "the Ryots may urge unanswerable excuses," is open to the objection that it is capable of the interpretation "that generally or indeed always Ryots *have* unobjectionable excuses for not growing Indigo, although they may have

"In your letter now under reply, the ast paragraph of the Deputy Magistrate's Perwannah is pointed out as being open to the objection that it is capable of the interpretation that generally, or indeed always, Ryots have unobjectionable excuses for not growing Indigo, although they may have contracted to do so. The wording of the Government letter is this: 'The Ryots may confess the engagement and still have many irresistible pleas to avoid the consequence the Planter insists upon.' The wording of the Deputy Magistrate's Perwannah is: 'The Criminal Court has no concern in these matters, because, notwithstanding such Contracts or such consent withheld or given, Ryots may urge unanswerable excuses against the sowing of Indigo.' The wording of my letter was such: 'Promises can only be produced against the Ryots in the Civil Court, and the Magisterial Authorities have nothing to do with them, for there must be two parties to a promise, and it is possible that the Ryots, even whose promises or Contracts are admitted, may still have many irresistible pleas to avoid the consequence the Planter insists upon; the consequence alluded to being the forcible dispossession of the Ryot by the Planter. The question was whether, if the Planter asserted that the Ryot had agreed to sow Indigo, such Ryot had a right, supposing him to admit the existence of a Contract, to demand the assistance of the Magistrate when threatened with being ousted from his land. My meaning in saying that, even when he admitted his Contract, he might still urge irresistible pleas, why he should not be summarily dealt with, and such pleas as the

Civil Court alone would be qualified in adjudicating on may be more fully understood from the following Extract of a letter which I had the honor to address to the Commissioner of Nuddea in June 1858. "Another reason suggests itself to me, why the Criminal Court should neither adjudicate summarily in questions of Contracts to sow Indigo nor compel their enforcement. Even supposing such Contracts to be voluntary engagements, their non-fulfilment would not necessarily imply fraud. The Ryot might have taken the advance with the distinct intention of sowing the amount of Indigo engaged for, but, if by the oppression of the Zemindars or loss of his Cattle or other misfortune, he is unable to carry out his instruction without the slightest *mala fides*, it would be very unfair that he should be treated as a Criminal, and it would become a mere question of adjudication as to what amount of advance and what interest he should return. This, I apprehend, could only be decided as a Civil Suit, and as such objections would, in all probability, be raised in every case of non-fulfilment of Contracts, the Magistrate's Office would be converted into a Civil Court to adjust a question of damages."

contracted to do so." The Perwannah is a translation of the 2nd paragraph of Mr. Eden's letter to me, of the 18th August last, and represents as closely as possible the wording of Mr. Eden, allowance of course being made for the difference of idiom of the Bengallee and English. The wording of the Government letter is this—"the Ryots may confess, &c." Mr. Eden paraphrased this in his letter into—"It is possible that the Ryots, even whose promises or Contracts are admitted, may still have, &c.," and my Bengallee version of it rendered into English would be "notwithstanding the admission of such Contracts or promises, Ryots *may* urge unanswerable excuses, &c." The original Bengallee being এই প্রকার চুক্তি কি অঙ্গিকার স্বিকার করার পক্ষে ও অনেক অকাট্য ছলনা করিতে পারে, all these, it will be perceived, are in the same mood and tense, and if one be open to any objection as is alluded to by Mr. Eden, all three are equally so; but the fact, however, is that করিতে পারে in Bengallee implies a possibility of action and not a certainty. It is impossible, therefore, it can be rendered otherwise than by a "may" and imply anything but a possible contingency. The purport of Mr. Eden's letter would have been no doubt more explicitly expressed by giving a different idiomatic turn to the sentence, but I beg most respectfully to submit that, as it is my wording, it is a fair rendering of Mr. Eden's language, and is not calculated to be misunderstood in the sense of a positive declaration.

11. The Government Translator, I regret to find, has read the word অঙ্গিকার as অস্বিকার and thereby marred the meaning of the whole. Mr. Eden uses the words: "The Ryots even whose Contracts or promises are admitted may, &c.," which I rendered into চুক্তি কি অঙ্গিকার স্বিকার করার পক্ষে ও "notwithstanding the admission of such Contracts or promises the Ryots may, &c." The Government Translator misread the অঙ্গিকার and assuming the sentence to be grammatically defective rendered it into "notwithstanding such contracts or such

consents withheld or given, the Ryots may, &c." The compound consonants ক্ত and ক্ষ and in the current hand are written so very alike that it is easy to make such a mistake, but the sense of the whole page should have at once shown to the Translator that his reading was not the correct one. If consent be withheld from a promise or Contract, *i. e.* if a Contract be denied, no excuses are necessary to be brought forward to show why it should not be worked out, and to say that, even in cases where Ryots deny their Contracts, they can bring forward many unanswerable excuses, is simply nonsense. It is only when a Contract or promise is admitted, and still one of the contracting party wishes not to abide by it, that excuses become necessary, and it is to men of that class that the wording of the Perwannah exclusively refers.

12. In conclusion, I take the liberty to observe that the Hon'ble the Lieutenant-Governor, while directing the return of my previous explanation in the matter of the Perwannah above alluded to for retrenchment, has been pleased to remark that I took nearly a month to furnish the said explanation. I beg to submit herewith copy of letter No. 53, of 23rd April last, which I had the honor to address to the Magistrate of Baraset, and which will show that the correspondence at first forwarded to me by the Commissioner was incomplete, and I had to wait for Mr. Larmour's letters of complaint, which reached me along with Mr. Grote's letter on the 2nd of May last, and I submitted my paper on the 11th idem; hence the delay.

From BABOO HEM CHUNDER KERR, Deputy Magistrate of Kalarooah, to the Magistrate of Baraset,—(No. 53, dated the 23rd April 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your Office Memorandum No. 343, of date the 16th instant, giving cover to another of the Commissioner of Circuit of the Nuddea Division, No. 74, and the Orders of the Government, dated the 7th idem, No. 1560, calling upon me to submit a full explanation regarding the publication of the Perwannah, dated the 20th of August 1859, about Indigo cultivation in this Sub-Division, "in the manner described by Mr. Larmour, if such publication actually took place."

I find that, by some oversight, a copy of Mr. Larmour's letter has not been forwarded to me along with the correspondence which accompanied the Government letter. I solicit the favor of your obtaining

for me a copy of that letter, to enable me to make out the precise nature of the charges regarding the publication of the Perwannah, and to submit a full explanation thereon.

I shall lose no time in submitting my explanation, on the receipt of Mr. Larmour's letters.

Having been away in the interior for the purpose of investigating cases of Arson and wilful destruction of Indigo, I regret I could not submit this earlier.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3215, dated the 16th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 46, dated the 8th instant, forwarding Deputy Magistrate Baboo Hem Chunder Kerr's revised explanation of the circumstances connected with the publication of the Perwannah issued by him in August 1859 to the Police of the Kalarooah Sub-Division, and in reply to communicate to you the following observations of the Lieutenant-Governor on the subject.

2. If, as stated by Mr. Eden in the 8th paragraph of his letter of the 28th of March last, Sub-Divisional Officers are prohibited from issuing general orders to Darogahs without express sanction, Baboo Hem Chunder Kerr's act was clearly irregular, and no explanation is given by him of his disobedience of this order.

3. The Deputy Magistrate has shown that he did not intend the publication of his Perwannah in the bazars; and of that charge he must be acquitted. But the Lieutenant-Governor cannot pronounce him to be free of blame for great indiscretion, in circulating his Perwannah without taking any precautions against the not improbable contingency of its being so dealt with.

4. The Lieutenant-Governor also considers that in circulating his Perwannah at all to the Darogahs, he committed a very indiscreet act. He should have felt that, if a general order to Police Darogahs was thought advisable, he would have been instructed by some higher authority to issue one; or rather such an order would have been prepared and issued by some higher authority. There was nothing to make what was not necessary or expedient elsewhere, necessary or

expedient in Hem Chunder's Sub-Division. There was no urgency in the matter; and Hem Chunder should have known that, if he thought a general Perwannah of the sort advisable, it was the duty of an Officer in his position to report on the subject to his immediate superior for instructions, and not needlessly to act on his own ideas.

5. Having resolved so to act, it was his especial duty to be extremely careful in his wording. The danger was that the meaning of the paper should be misunderstood; and, according to the Deputy Magistrate's own showing, no pains were taken by him so to word the paper that it should be as little liable to be misunderstood as possible.

6. On the whole, in reviewing the transaction, the Lieutenant-Governor is of opinion that Baboo Hem Chunder Kerr is seriously to blame for his proceeding.

7. As to the effect of the Perwannah, even though this had been what it was at one time imagined by some to have been, namely, the instigation of the Ryots in a distant part of Nuddea to break their engagements after taking advances, Hem Chunder could not fairly be made responsible for anything but what was a natural and not an extremely improbable consequence of his act. As a matter of fact, however, it has been clearly shown by Mr. Eden that the Perwannah had no material ill consequences anywhere. Circumstances of time and place, when the affair is looked into, sufficiently show this. Indeed it has never been alleged that any Ryot, in the quarter where the excitement against Indigo first showed itself, in all the months that had elapsed since the issue of the Perwannah, had ever seen a copy of it, or heard of its existence. And it has certainly had no practical bad effect in the quarter where it was published.

8. But as on the one hand Hem Chunder would not fairly have been held responsible for any ill consequences of his act, which no one could have anticipated from it; so on the other hand, he is not to be wholly excused because the act had not the ill consequences at one time by some persons erroneously attributed to it. The Deputy Magistrate irregularly, needlessly, and indiscreetly circulated a carelessly translated paper, likely to be communicated to the Ryots, and likely, if communicated to them, to be misunderstood by them. And for this he is to blame, even though it cannot be shown that a Ryot anywhere broke an engagement in consequence of such misunderstanding.

No. XXVIII.

From A. GROTE, ESQ., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 101Ct., dated the 21st April 1860.)

SIR,

REFERRING to paragraph 5 of my letter No. 100Ct., dated 18th instant, I lose no time in laying before His Honor the Lieutenant-Governor, Mr. Betts' original decision in the case noted in the margin, which I consider to be a very unsatisfactory one. On the back of it will be found an abstract made by the Magistrate of the evidence adduced, followed by some strong but very justifiable comments.

Meechoo Sheikh
versus
Teetooram Chuckrobutty.

2. In the first place the charge is not one which could be laid under Section V. of the Law. "Instigation not to sow" cannot be reasonably held to be synonymous with intimidating by violence, threats, or otherwise, &c.

3. His Honor the Lieutenant-Governor will recollect that when I saw Mr. Betts' appointment in the *Gazette*, I expressed doubts of his qualifications for the exercise of such large powers as are vested in Magistrates by this Act. Mr. Herschel has rightly called him into the Sudder Station, and I recommend that he be remanded to his Sub-Division.

4. I have sent for the record of the case, when I shall, if necessary, report further.

Appendix A.

No.	Prosecutor.	Witnesses and Document.	Prisoner.	Witnesses and Document.	Crime charged when perpetrated and date of complaint.	Crime established or date of acquittal.	Sentence and when passed.	Decision and grounds thereof.
22	Meechoo Sheikh.	1. Parbutty Sen. 2. Ginurdhur. 3. Mahur. 4. Soroop.	Teetooram Chuckrobutty.	1. James Furlong. 2. Gopee Dutto. 3 Bance. 4. Dwarkanath. 5. Saleem. 6 Niamut. 7. Essper. 8. Bholai. 9. Cheeroo.	Instigating Ryots not to sow Indigo.	Established.	9th April 1860.	*Plaintiff sworn*, charges defendant with having instigated the Ryots of Jooranpore, Hoguldangah and Hatteedangah not to sow Indigo. Witnesses 1 to 4 corroborate Plaintiff's statement. Defendant pleads not guilty and cites witnesses.

WITNESS FOR DEFENCE.

Mr. James Forlong and eight others do not, from the nature of the evidence, state anything that would be likely to prove that the defendant is innocent of the charge.

DECISION.

Both from the evidence of Plaintiff's witnesses, and the nature of the evidence given by Defendant's witnesses, there appears to be no doubt whatever that the Defendant is guilty of the charge. I therefore sentence him to six months' imprisonment with labor, and to pay a fine of 200 Rupees, in default to a further term of imprisonment for six months.

(Signed) C. G. D. BETTS,

Deputy Magistrate.

REMARKS.

Plaintiff says—"Defendant was giving bad advice to the Ryots."

Witness 1 says—"Defendant was telling the Ryots not to admit having taken advances, as, if they did, they would have to sow."

Witness 2 says—"Defendant was forbidding the Ryots to sow."

Witness 3 says—"Defendant was forbidding the Ryots to agree to sow."

Witness 4 says—"Defendant is forbidding the Ryots to sow."

Defendant says—"I am the Mooktear of the Ryots, and was only acting legitimately as such in what I said to them."

On the above evidence literally translated, and containing the whole of the evidence against the Prisoner, the Deputy Magistrate has convicted the Defendant of "instigating the Ryots not to sow" and has sentenced him to one year's imprisonment. I observe that it is quite unproved what were the words used. As the witnesses appear to have been examined within a few minutes after the occurrence, this ought to have been the very first point to fix. What witness No. 1 says, is probably nearer the point than any other, for it quotes if not precise words, yet a nearer approach to it than the other three witnesses. What witness No. 1 describes the Mooktear as having done most surely does not constitute a crime. If so, then every Barrister in the Country ought to be imprisoned. The Deputy Magistrate appears to have taken up

the charge in great haste, to have hurried through the case without consideration and to have passed a sentence which, without such haste, he could never have passed.

The case is forwarded to the Commissioner for further orders.

(Signed) W. J. HERSCHEL,

Officiating Magistrate.

The 20th April 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 1966B., dated the 25th April 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 101Ct., dated the 21st instant, submitting the original decision of Mr. Deputy Magistrate C. G. D. Betts, in the case alluded to in your previous letter of the 18th idem, No. 100Ct.

2. From this decision it is manifest that the Defendant was charged with, and sentenced for what is no offence at all; and that he was found guilty of the charge on what is no evidence of any specific act or speech whatever.

3. The Prisoner must be immediately released, and the fine remitted.

4. Mr. Herschel has acted very properly in ordering Mr. Betts into the Sudder Station, but before remanding him to his Sub-Division, where he exercises extensive powers, (though there fortunately not without an appeal from his decision), the Lieutenant-Governor would wish to see the whole papers of the present case, including the notes of the evidence. Mr. Betts should be furnished with a copy of your own remarks, and of those of the Magistrate of this case: and should be called upon to say anything he may have to say for the purpose of removing the unfavorable impression of his judicial conduct which those remarks cannot fail to produce, unless he is able to avoid their effect.

5. *Firstly,* he must explain under what conception he imagined the offence charged to be an offence under the Law; and *secondly,* he must explain why he did not examine the witnesses as to the words spoken or acts done, constituting the fact of which he pronounced the Defendant guilty.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2710, dated the 23rd May 1860.)

SIR,

WITH reference to paragraph 4 of my letter No. 1966B., dated the 25th ultimo, I am directed by the Lieutenant-Governor to request that Mr. Betts' explanation of his proceedings in the case of the Mooktear Teetooram Chuckrobutty may be submitted as soon as possible.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 21, dated the 23rd May 1860.)

SIR,

I HAVE the honor herewith to submit the whole papers including the notes of the evidence, and Mr. Betts' explanation of his proceedings in imprisoning the Mooktear Teetooram Chuckrobutty, called for in the 4th paragraph of your letter No. 1966B., dated 25th ultimo.

2. Mr. Betts has fully admitted that his proceedings in punishing the Mooktear were illegal and hasty in the extreme, and I trust that this honest expression of his fault, coupled with the good character as a Public Officer Mr. Betts has hitherto borne, will be taken into the Lieutenant-Governor's favorable consideration, and that he may now be permitted to return to his duty at Diamond Harbour.

From C. G. D. BETTS, ESQ., Deputy Magistrate, to W. J. HERSCHEL, ESQ., Officiating Magistrate, Kishnaghur,—(dated the 9th May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt this morning of the papers relative to the case of Teetooram Chuckrobutty, charged before me at Camp Damoorhoodah, of having instigated the Ryots not to sow Indigo, and in whose case I have been called upon to furnish an explanation as to my proceedings therein.

2. Prior to my entering into particulars on the subject, permit me respectfully to solicit the Lieutenant-Governor's patient hearing of all

the bearings of the case in question, hoping that, in giving an open and candid utterance to my opinions and feelings, he will pardon me for being the cause of having engaged so much of his valuable time.

3. To elucidate the case clearly, a brief narrative of my proceedings on the occasion is, I think, necessary. Referring to my Note Book, I find that, on the 9th ultimo, there was a large gathering of Ryots round my tent, some of whose cases (breach of Indigo Contracts,) were to be heard that day. Previous to my entering into them, I collected the Ryots together, (as I invariably did,) eliciting from them their intention to sow Indigo or not, and on their firmly replying in the negative, I interpreted to them most minutely and carefully the nature of that portion of the Law in which they were interested, and after having argued the matter both *pro* and *con*, they expressed their willingness and readiness to sow Indigo, remarking that they would do so this year, and only for the sake of the Government. They requested a few minutes to talk the matter over amongst themselves; shortly after, Mr. Forlong came up hastily to me, and suggested that it was perfectly useless to put off the trial of the cases, as all what I had done had been undone by the designing instigations of the Defendant, against whom he caused the charge to be brought. Simultaneously I called up the Ryots before me, who, one and all, in a most determined and excited tone declared that, whatever might follow (to use the interpretation of their own words— "you may cut our throats, you may hang us, you may shoot us,)" they would sow Indigo no longer. Thus it was apparent that some mischievous agent had been at work, and there is no doubt that the Defendant's interference with them *(although not in a judicial capacity as an Adviser)*, caused the Ryots to come to the determination they did.

4. I have no hesitation in allowing that it would have been better had I made a fuller investigation and come to a more *mature* judgment in the case; herein laid my error: however, when it is taken into consideration that I was called upon to decide a very large number of cases under the new Law, I submit that though a hasty judgment was given by me it was founded on a sincere desire to do well, and that hereby the case is entitled to extenuation. I would further beg leave to urge, that as there was every probability of a heavy fall of rain (which would have enabled the Ryots to sow Indigo if they chose), I felt it a duty imperative upon me to dispose of all cases before me with the utmost expedition and energy, and this feeling of anxiety no doubt led me to

think at the time that "instigating with evil" (though not of course synonymous with what the Law lays down "intimidating by violence, threats, or otherwise,") was punishable under the Law, and being the *crying* evil of the day, I felt therefore that unless this offence was put down, all our efforts to induce the Ryots to perform their Contracts would be fruitless; these reasons will account for the decision I came to, though I now see it was not justifiable by the Law.

5. It is of course a matter of the deepest concern to me to find that, after my long experience in this (some years of which have been passed in the service of the Government,) and after having realized the good opinion of every* superior I have served immediately under, that I should now (when I felt doubly anxious to prove my zeal,) be placed in so unfortunate a position. However, I can only remark that, if a reference be made to the Sessions Judge of the 24-Pergunnahs, His Honor the Lieutenant-Governor will not, I feel convinced, have any reason to be disappointed in the result of the orders passed by him (the Judge,) on the cases of commitment and appeal sent up from my Court.

*Messrs. H. M. Reid.
„ G. Loch.
„ Garstin.
„ Latour.
„ Fergusson.
„ Montresor.

6. With every deference for the opinion of my superiors, I would beg most respectfully to observe that, after taking all the circumstances of my case into consideration, it would be a great hardship to me if a *solitary* instance of a hasty (though *well intentioned*,) decision was allowed to bear against me, and thereby cause a shade to be cast upon my reputation, and withhold from me in consequence the favorable opinion of the Government, which I have at all times esteemed more than any personal consideration, and which (as the testimony of my superiors can vouch for,) I have had reason to believe I have merited.

7. It is patent to all that the present disaffected state of the Country demands from all Officers, who have been entrusted with the responsibility of carrying out the recent Law, to exercise the greatest vigilance and energy (and in this I have not,) I think, and it was in a sincere belief that I was acting with justice that led me to adopt the course I did. I trust, therefore, that His Honor the Lieutenant-Governor will do me the credit to believe that it was a purely conscientious sense of duty, and the urgent demand for speedy retribution, that actuated me to dispose of the case as I did.

Awaiting the orders of His Honor the Lieutenant-Governor.

TRANSLATION.

Declaration of Plaintiff Missoo Sheikh, Takeedgeer of Nischindpore Factory, made before Mr. Deputy Magistrate Betts, on oath, under Act V. of 1850, *on the 9th April* 1860.

Question.—What is your complaint ?

Answer.—I saw Mooktear Teetooram Chuckrobutty, of Kooroolgatchy, sitting in the walled house to the South of the tent, and was giving evil counsel to the Ryots of Jooranpore, Hogladangah and Hatteedangah not to sow Indigo.

In reply to another question, Missoo says, that Greedhur Ghose of Joyrampore, Surroop Roy of Dhobakhally, Maher Takidgeer and Bholai Sheikh of Doorgapore, Parbutty Seal of Kapasdangah are my witnesses.

Deposition of Parbutty Seal, taken on oath on the 9th April 1860.

Question.—What do you know of Missoo Sheikh's complaint against Teetooram ?

Answer.—As I was going towards the River to drink water, I heard Teetooram was instigating Areep Sheikh, Guddadhur Mundul, Nidhiram Mundul and others, altogether about twenty-five or twenty-six in number, at the foot of the Mango tree to the West of the tent, not to confess having taken any advance; for, in that case, they would not have to sow Indigo. Bholai, Missoo Sheikh, Guddadhur Ghose and other Ryots were then present there.

In answer to another question, he says, that I cannot read or write, and have never before given evidence.

Deposition of Guddadhur Ghose, 9th April 1860.

Question.—What do you know of the charge of instigation brought against Teetooram by Missoo Sheikh?

Answer.—About two Dundo ago, as I was repairing to the River to drink water, I heard Teetooram was instigating some Ryots at a place to the West of the walled house not to sow Indigo. Surroop Roy, Parbutty Seal and the Plaintiff were then present there.

I cannot read or write and have once before given evidence.

Deposition of Maher Sheikh, 9th April 1860.

Question.—What do you know of Missoo Sheikh's complaint against Teetooram Chuckrobutty?

Answer.—I heard Teetooram Chuckrobutty instigating the Ryots of Naplikalee and Benudpore not to agree to sow Indigo.

I cannot read or write.

Deposition of Surroop Roy, 9th April 1860.

Question.—What do you know of the charge of instigation brought against Teetooram by Missoo Sheikh?

Answer.—About two Dundo ago, I saw Teetooram sitting on the West of the wall and instigating the Ryots of Hatteedangah not to sow Indigo. Bholai Sheikh, Parbutty Seal, Bhuggae Sheikh and others were present there.

I cannot read or write.

Defence of Teetooram Chuckrobutty, 9th April 1860.

Question.—What have you to say to the charge of instigation brought against you by Missoo Sheikh?

Answer.—I am engaged as Mooktear at Damoorhoodah and have conversed with my Clients on what have been necessary; but I have never given my advice to any other party either regarding Indigo or any other matter.

Question.—Why then is the charge brought against you?

Answer.—The Manager of the Nischindpore Factory having sued

Areep Sheikh of Hatteedangah for breach of contract, the latter came to me as I am a friend of his Landlord, Ramcoomar Mojoomdar, and informed me of the matter. On this I went to Gopeemohun Dutt, Dewan of the Factory, in order to compromise the case; but he could not do so without the knowledge of his Master, to whom I went, and as I was returning from him, the Ryot offered to give me Mooktearnamah saying, that there can be no harm in compromising the case hereafter. I accordingly accepted the Mooktearnamah, but this enraged the Dewan who, in collusion with the Manager, has caused the Petition to be presented against me. In fact I have not committed the crime nor do I know the men.

Question.—Is there any one who can bear testimony to your statement?

Answer.—Mr. Forlong, his Gomashtah Gopeemohun Dutt, Mooktear Baney Madhub Mookerjee and Dwarkanath Biswas, Gomashtah of Dholypore are the witnesses of my attempt at compromise. Moreover, Isser Ghose, Seeroo Ghose of Hatteedangah, Nyamut Sheikh and Salim Sheikh of Koomery and others were present at the place where I am alleged to have instigated the Ryots not to sow Indigo, and their evidence will prove me not guilty of the crime.

I have never been arrested on any charge, nor have I ever been imprisoned.

Deposition of Gopeemohun Dutt, 9th April 1860.

Question.—What do you know of Teetooram Chuckrobutty's not being guilty?

Answer.—I know nothing of his innocence. I heard from Greedhur Ghose, Ameen, that Teetooram Chuckrobutty was instigating the Ryots of Hatteedangah and Hogladangah not to sow Indigo.

Teetooram went to me to compromise Areep's case, but on my agreeing to compromise, *i. e.* to file Kobul and Jowub he went away saying, that the compromise may be brought about if it be postponed for to-day. Greedhur Ghose and others say, that he was instigating the Ryots. In this statement I did not place any confidence until it was confirmed by Debnarain Bannerjee, Dewan of Deyhatty Factory.

Deposition of Baney Madhub Mookerjee, 9th April 1860.

Question.—What do you know of Teetooram's innocence?

Answer.—I have not been an eye-witness to Teetooram's instigating the Ryots, but I have heard it as a rumour that Teetoo was instigating them.

I could not hear of the compromise of Areep's case owing to the noise.

I have heard of this instigation from several persons, but from whom I cannot say, as there was a great assemblage of men.

Deposition of Dwarkanath Biswas, 9th April 1860.

Question.—What do you know of Teetooram's innocence?

Answer.—I know nothing of the case. I have only heard that Teetooram has been charged with insti-

gation, but from whom I heard this I cannot say.

Question put by Teetooram.—You say that I have put up the Ryots against the Factory. But have I not done anything in collusion with you to promote its interest?

Answer.—I cannot say whether I have ever done anything of the kind you mention.

Deposition of Salim Sheikh, 9th April 1860.

Question.—What do you know of Teetooram's not being guilty of instigation?

Answer.—I know nothing of the matter, nor do I know what he was talking of, when he was writing Mooktearnamahs or something else under the Mango tree.

I cannot read or write, nor have I ever before given evidence.

Deposition of Nyamut Mundul, 9th April 1860.

Question.—What do you know of Teetooram's not being guilty of instigation?

Answer.—I do not know whether Teetooram has instigated the Ryots or not.

I cannot read or write, nor have I ever before given evidence.

Deposition of Isser Ghose, 9th April 1860.

Question.—What do you know of Teetooram's not being guilty of instigation?

Answer.—Six Dundo ago, Teetooram was writing a Mooktearnamah or something else under the Mango tree to the South of the tent. He did not instigate any one. This I know as I was present there.

I cannot read or write, nor have I given evidence on any previous occasion.

Deposition of Bholai Sheikh, witness of the Plaintiff, 9th April 1860.

Question.—What do you know of the charge of Missoo Sheikh against Teetooram?

Answer.—I saw Teetooram among others standing under a Mango tree to the South of the tent. As I was passing by them, Missoo Sheikh

pointed out to me and said, that Teetooram is instigating the Ryots.

I cannot read or write.

Deposition of Seeroo Ghose, witness of the Defendant, 9th April 1860.

Question.—What do you know of Teetooram's not being guilty of instigation.?

Answer.—I know nothing of the matter. I saw him only writing something under the Mango tree. I know nothing more.

I cannot read or write, nor have I ever before given evidence.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2809, dated the 29th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 21, dated the 23rd instant, submitting Mr. Deputy Magistrate Betts' explanation of his proceedings in imprisoning the Mooktear Teetooram Chuckrobutty, which was called for in my letter No. 1966B., dated the 25th ultimo.

2. The Lieutenant-Governor remarks that Mr. Betts has been unable to afford a satisfactory explanation upon either of the points on which explanation was required.

3. The interest he took in the duty, and his earnest endeavor to induce the Ryots he speaks of to sow, without coercion (presuming that he had satisfied himself generally that they really were under contract to do so), were creditable to him. But it is much to be regretted that when he assumed judicial functions, and began to try causes and to award heavy punishments, he did not put himself into a calm and judicial frame of mind. If he had done so, he would have tried the fact involved in the charge against the Mooktear more thoroughly; he would not have lost sight altogether, as he did, of the question whether the Ryots named were or were not under contract and advances; and he could not have passed a sentence for what, even if the affirmative of that question had been proved, a glance at the Law would have shown not to be any offence.

4. Apart from the judicial character of the trial, Mr. Betts should have seen, that to commence operations by sending the Legal Agent of a mass of Defendants to prison for six months or a year, must have impressed the people with the conviction that he was there not to judge equitably between the two parties, but to support one party, right or wrong, and to prevent the other party from obtaining even a fair hearing. The character of the late measures must have suffered injury in the eyes of the people by such an arbitrary act.

5. It has been reported that, in consequence of this unlawful and unjust proceeding, the Ryots in that quarter found it impossible to get any Mooktears to defend them. How much wrong may have thus indirectly resulted from this act it is impossible to say. The Lieutenant-Governor is very ready to believe that Mr. Betts had not these consequences in his mind; but, as a Magisterial Officer, he ought to have had them in mind, and he is much to blame for his hasty and impulsive proceedings in a judicial case.

6. Mr. Betts will now be permitted to resume charge of his duties at Diamond Harbour.

No. XXIX.

From A. GROTE, Esq., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 111Ct., dated the 27th April 1860.)

SIR,

I BEG to submit herewith three decisions of the Magistrate of Nuddea in the breach of contract cases cited in the margin, together with copy of a Note which I have recorded on them.

Cases Nos. 196, 197 and 199.

2. I have sent a copy of this Note to the Magistrate, with instructions, which I also quote in the margin, and my object in informing Government of what I have done is to obtain greater weight for my observations, in the event of His Honor the Lieutenant-Governor being able to concur with me.

"I do not intend to lay down any rules for your guidance in assessing damages—the point is one which is left entirely to the conscience of the Presiding Officer of the Summary Court; but I wish to draw your attention to the many considerations which may be urged on the Ryots' side, at least in mitigation of penalty.

"It is the more necessary to do this, if, as I fear, the Ryots find a difficulty in obtaining legal assistance in defending their cases consequent on the late conviction in Mr. Betts' Court.

"In the form in which these cases are reported, the heading "Crime Charged" should be erased, and "Nature of Offence" substituted. The Law does not stamp Breach of Contract as a crime. The action to establish the breach, and to obtain the remedy for it, is purely Civil."

No. 196.

Jadub Chunder Chuckerbutty, *Prosecutor,*

versus

Sadhoo Biswas, *Defendant.*

CRIME CHARGED.—Breach of Contract under Section II., Act XI. 1860.

PROCEEDINGS.

George Richard Clarke, sworn, 21st April 1860.

Question.—What do you consider to be the damage to which the breach of Contract of Sadhoo Biswas will expose you if he does not sow?

Answer.—23 Rupees a Beegah.

Question.—How so?

Answer.—This being the seventh month of the season all the heavy expenses of the Factory have been incurred. The only remaining

expenses are the value of the leaf and the manufacturing charges. An average crop is fifteen bundles per Beegah. A Vat holds ninety bundles, equal to six Beegahs. The average produce of a Vat is thirty seers of Indigo, which, at the current rates of 200 Rupees a maund, is 150 Rupees. Deduct manufacturing charges, at 100 Rupees per thousand bundles, is 9 Rupees, and the value of the crop, ninety bundles, at six bundles per Rupee, is 15 Rupees. The balance is Rupees 126, which, divided between six Beegahs, is 21 Rupees, exclusive of Seed for which I claim two Rupees per Beegah. I have purchased the Seed, and it is useless if not sown.

Question.—You reckon three bundles of Indigo then to yield a seer of Dye?

Answer.—Yes. This is not an extraordinary yield.

Defendant's Mooktear has no question to ask.

Plaintiff sworn.—I am Gomashta of Tengra.

On November 29th or 30th, I gave Defendant cash 6 Rupees, on his agreement to sow nine and half Beegahs of land in Indigo. Before taking the cash he settled accounts and signed the Book. Afterwards the land was measured and marked, and he promised to take four seers of Seed per Beegah, which he now refuses to take, and he does not cultivate.

By Defendant's self-constituted Mooktear.—The date of marking the land is to be found in the Chittahs. Put in Account.

1*st Partaujat Bohee.*

Old land under advance.	Under Contract this year.	Cash advanced.	Old balance	Total.
		Rs. As. P.	*Rs. As. P.*	*Rs. As. P.*
8 Beegahs	6½	6 0 0	16 11 1½	22 11 1½

This Book was written by Gridhur Biswas at the very time, *i. e.* the Books are written out and the money was given on them.

The Book bears Mr. Clarke's signature, in several villages, opposite each man's name. Not in this instance, as Mr. Clarke states he was not present in this case.

Produces the Rokur Bohees, daily Cash-book.

On date 29th November, there is an entry between several other names of Defendant's name for six Rupees. This Book is written by Gridhur Biswas. This Book contains the whole accounts of the Concern of every kind.

Produces an advance Account-book, containing the accounts of each Ryot. Copy of the account is filed with the case.

Last year the crop was indifferent.

Defendant has no questions ; he merely denies the advance.

Witness.—Gridhur swears to the Books.

The other witnesses prove the same.

Defendant, present, denies the advance; says he has never sown Indigo at all.

Witnesses.—Never saw Defendant sow Indigo.

Plaintiff sworn.—The custom has always been that the land is marked with the Ryot's consent. I claim that the Ryot be ordered to sow on the lands so marked and measured.

ORDERED, that the Defendant sow nine and a half Beegahs in Indigo ; and that if he do not comply with the order, he pay into Court damages at the rate of twenty-three Rupees per Beegah, in default of which he be imprisoned for the term of three months in the Civil Jail.

Defendant having refused to sow is sent to Jail. On paying the money he will be released, or on realization by the Nazir of the amount by attachment at the petition of the Plaintiff.

(Signed) W. J. HERSCHEL,
Officiating Magistrate.

The 21st April 1860.

Nos. 197 AND 199.

Jadub, *Prosecutor,*

versus

Case No. 197, Salim Sheikh ; Case No. 199, Mahdaree Biswas, *Defendants.*

PROCEEDINGS.

No. 197.—PLAINTIFF deposes as in Case No. 196.

Advance was two Rupees on one and a half Beegahs.

GRIDHUR proves the writing of the Books.

The Books are produced and support the charge.

SALIM, DEFENDANT, denies advance altogether. Witnesses the same.

ORDERED, that Defendant sow one and a half Beegahs in Indigo, and in default thereof, pay Rupees 23 per Beegah as damages, or, in lieu thereof, be imprisoned for three months in the Civil Jail.

(Signed) W. J. HERSCHEL,
Officiating Magistrate.

Case No. 199.—The same evidence.

Advance, Rupees two on Beegahs seven.

PLAINTIFF examined by Defendant's constituted Mooktear (after unimportant questions.)—The usual advance is two Rupees per Beegah. Only two Rupees was given on seven Beegahs this year, because he owed money to the Factory.

By the Court.—Was the money given to the Ryot at the rate of two Rupees per Beegah cash, and then taken back, or was the deduction first made and cash then given ?

Answer.—The cash was given after deduction.

Question.—Did the Ryot understand that he was receiving cash advance at the rate of two Rupees a Beegah, so that the advance in this case only bound him to sow one Beegah, or did he understand the advance to be an advance on each separate Beegah at a less rate than two Rupees a Beegah ?

Answer.—The rate understood is always two Rupees a Beegah, but cash is not given to that extent, because he is in debt. It will always be found that the balances and new advance together will equal a sum of two Rupees per Beegah contracted for. The new advance always binds the whole contract.

By Defendant.—Was the cash advance then on *one* Beegah; and the advance (as by book debt) on six Beegahs?

Answer.—The Ryot could not; nor could I go on to any particular *one* Beegah and say this is under advance of cash two Rupees, and then into six other Beegahs and say these are under advance of old balances.

Question and Answer.—Defendant received a *hatchitta,* which he took away with him that same day.

It has always been the custom to sign the Books, *i. e.* for the Ryot to do so.

Signatures in book and in Mooktearnamah compared. They are not similar, but they might have been written by the same person, I think.

Question by Defendant.—What became of the money entered to pay for stamps? It is an old custom. The stamps have not been bought, (*N. B.*—No Kabooleuts filed.)

All Ryots don't sign, only those who can write, do so. Those who can't, don't sign at all.

MADHAREE denies altogether as above. Witnesses the same.

ORDERED, that Defendant cultivate seven Beegahs of land in Indigo, or, in default, pay Company's Rupees twenty-three per Beegah, in lieu of which he be imprisoned for three months in the Civil Jail.

Both the Defendants refusing to sow, and not having paid the damages, are committed to Jail. On payment or realization of the amount, they will be released.

On the application of the Plaintiff, the Nazir will attach their property to the amount of the damages and cost of attachment.

(Signed) W. J. HERSCHEL,
Officiating Magistrate.

Mr. W. J. HERSCHEL, CASES Nos. 196, 197 and 199.

IN these cases the Defendant's plea is in denial of the alleged advance. He does not seem to have been asked whether he took any money from the Gomashtah; but as his witness deposes that he had never seen Defendants grow Indigo, I presume the plea was intended to deny the receipt of any payment whatever.

The damages assessed are very high:—21 Rupees per Beegah, value of the produce which ought to be delivered, and two Rupees per Beegah for Seed—total 23 Rupees. This is on the assumption of fifteen bundles of Plant per Beegah as an average crop. Mr. Clarke's evidence is to the effect that, for a payment of 4 Rupees 8 annas, *viz.*, 2 Rupees 8 annas for Plant (at the rate of six bundles per Rupee), and 2 Rupees for Seed to the Ryot, he is entitled to 23 Rupees, which represents the market value of the manufactured article, profits included.

I cannot see that this is a fair way of assessing the damages. The Ryot is bound by his contract to give the whole outturn of his field, and taking the outturn to be an average one of fifteen bundles, the only price which he can claim, at the six bundle rate, is 2½ Rupees. From this he has to pay rent and cultivation charges.

Damages sustained by the Planter by reason of the breach of contract is the expression used in the Law. By losing his fifteen bundles, the Planter loses the opportunity of obtaining five seers of Dye, equal in value, at the rate of 200 Rupees per maund, to 20 Rupees. "This," says Mr. Clarke, "is not an extraordinary yield."

But the damages should, I think, be assessed, considering what an uncertain outturn that of Indigo Plant is, for a prospective loss, very much below that of an outturn, which would only be *not an extraordinary one.* Heavy rain when the Plant was ready for cutting would prevent the Planter from getting above half a seer of Dye from his three bundles.

If the Ryot can show that ordinarily the six bundle rate of payment, on an average outturn, leaves him a loser on the contract, after paying rent and cultivation charges, I think the extent of his loss may be set off against that of the Planter.

(Signed) A. GROTE,
Commissioner.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Advocate-General,—(No. 2055, dated the 20th April 1860.)

SIR,

IN forwarding to you the accompanying copy of a letter* from the Commissioner of Nuddea, with its enclosures in original, relative to certain cases of breach of contract tried under Act XI. of the current year, I am directed to state that the Lieutenant-Governor will be greatly obliged if you will send him a legal opinion, such as can be circulated amongst the Magistrates, explaining the principles on which damages in these cases should be assessed.

* No. 111Ct., dated the 27th instant.

2. The Lieutenant-Governor regrets to trouble you in such an affair, but the Law, as finally passed, gives an equitable jurisdiction of the highest character to the Magistrates, Assistant Magistrates, and Deputy Magistrates employed to execute it, without appeal; wherefore no Court or Office exists having authority to lay down any rules or principles for the guidance of these gentlemen, none of whom have experience in the administration of Civil justice in other than rent suits. But the Lieutenant-Governor is sure that they will all avail themselves thankfully of your opinion. The Lieutenant-Governor is informed that the

usual rate of damages assessed has been 10 Rupees a Beegah; but in cases under notice, the rate is Rupees 23 a Beegah, and the correspondence relating thereto seems to show the principles of assessment observed are not uniform.

3. The return of the original papers is requested with your reply.

From W. RITCHIE, ESQ., Advocate-General, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 3rd May 1860.)

SIR,

IN reply to your letter No. 2055, dated the 13th ultimo, I have the honor to send herewith my opinion on the case submitted by you.

I return the original enclosures.

Opinion of W. RITCHIE, ESQ., Advocate-General,—(dated the 3rd May 1860.)

I THINK that the damages to be awarded under Act No. XI. of 1860 should be assessed upon the same principles as are applicable to the assessment of damages in the Civil Courts upon ordinary contracts.

Those principles may be generally stated thus in the words of an eminent English Judge in a recent case :—

Baron Alderson, in Hadley *versus* Boxendale and others. 9 Excheq. 341.

" Where two parties have made a contract which one of them has broken, the damages which the other party ought to receive in respect of such breach of contract should be either, *first*, such as may fairly and reasonably be considered as arising naturally, *i. e.* accordingly to the usual course of things, from such breach of contract itself; or, *secondly*, such as may reasonably be supposed to have been in the contemplation of both parties at the time they make the contract as the probable result of the breach of it. Now, if the special circumstances under which the contract was made were communicated by the Plaintiff to the Defendant, and thus known to both parties, the damages resulting from the breach of such a contract, which they would reasonably contemplate, would be the amount of injury which would ordinarily follow from a breach of contract under those special circumstances so made and communicated.

" But, on the other hand, if those special circumstances were wholly unknown to the party breaking the contract, he, at the most, could only be supposed to have had in his contemplation the amount of injury which

would arise generally, and in the great multitude of cases not affected by any special circumstances from such a breach of contract."

These principles are not peculiar to English Law, but are substantially similar to those in force in France and America, touching the assessment of damages, and are such as ought, I think, to prevail in the Mofussil Courts, as being in accordance with general principles of equity and good conscience.

Applying these principles to a breach of contract under the Act of 1860, the Magistrate has to assess the damages sustained by the Planter by reason of a breach by the Ryot of his contract to cultivate a certain quantity of land with Indigo Plant during the present season.

The question then will be, what is the amount of damage that can fairly and reasonably be considered as arising naturally and according to the usual course of things from the breach by the Ryot of his contract to cultivate Indigo Plant, or as being fairly within the contemplation of both parties at the time they made the contract?

Now, supposing the Ryot, instead of breaking, to perform his contract, the Indigo Planter would receive from him the produce in Indigo Plant of the quantity of the land agreed to be cultivated, on payment of a certain final price, which I take from the papers to be in some Districts one Rupee for six bundles.

The direct and immediate loss to the Planter from the breach of contract is the loss of the value to him of the Plant at the time he ought to have received it, less the price he would have had to pay for it, *plus* any expense properly incurred by him under the contract, and rendered fruitless by the refusal to cultivate, such as that incurred for Indigo Seed.

Now, if the Plant, when ripe and ready for delivery, were an article of Commerce which could be brought in the market (as Corn in England could), the value of the Plant as an element in the damages would be estimated at the price at which the Planter could procure an equivalent quantity of Plant, *plus* the additional costs of carriage to the Factory. In that case the Planter would have nothing to do upon the Defendant's failure to perform his contract but to buy Plant elsewhere, and use it for the purposes for which he intended to use that contracted for. But as the Plant is not procurable in the market, and the Planter cannot consequently, by a mere purchase of other Plant, place himself in the same position as if the Ryot had performed his contract, some other evidence of value must be resorted to. Now, it is well known to the

Ryot at the time of the contract that the Planter requires the Plant contracted for, for the purpose of manufacturing, and that, if default is made in cultivating, he cannot procure Plant in substitution elsewhere. Therefore, I think, the true criterion (and the only one available under the circumstances,) is the probable value of the quantity of manufactured Indigo which, under ordinary circumstances, would be the product of the Plant that ought to have been delivered, less all expenses of manufacturing, the contract price payable for the Plant, and a fair discount upon the price of that Indigo, which would not be payable till after the close of the manufacturing season, after making a fair deduction for the ordinary risks to which the Planter is exposed from the time when the contract of the Ryot is performed by delivery to the completion of the manufacture.

Thus taking the case in which Rupees 23 per Beegah was awarded upon the evidence of the Plaintiff as noted in the margin. Supposing the Plaintiff's data, which constituted the only evidence on the point, correct, I think the Magistrate's general conclusion is right in principle, and that the only error in detail committed in it is the omission to deduct any sum by way of discount in respect of the time which had to run until the price of the Indigo would have been reasonable, and the omission to deduct the expense of carriage of the Indigo from the Factory to the place of sale, which I presume is Calcutta, unless indeed that expense was included in the cost of "manufacture."

Plaintiff sworn.
The 21st April 1860.

Question.—What do you consider to be the damage to which the breach of contract of Sadhoo Biswas will expose you if he does not sow?

Answer.—23 Rupees a Beegah.

Question.—How so?

Answer,—This being the seventh month of the season, all the heavy expenses of the Factory have been incurred. The only remaining expenses are the value of the leaf and the manufacturing charges. An average crop is fifteen bundles per Beegah. A Vat holds ninety bundles, equal to six Beegahs. The average produce of a Vat is thirty seers of Indigo, which, at the current rates of 200 Rupees a maund, is 150 Rupees. Deduct manufacturing charges, at 100 Rupees per 1000 bundles, is 9 Rupees, and the value of the crop, ninety bundles, at six bundles per Rupee, is 15 Rupees. The balance is 126 Rupees, which, divided between six Beegahs, is 21 Rupees, exclusive of Seed, for which I claim 2 Rupees per Beegah. I have purchased the Seed, and it is useless if not sown.

Question.—You reckon three bundles of Indigo then to yield a seer of Dye?

Answer.—Yes. This is not an extraordinary yield.

For upon the Plaintiff's evidence, as it stands, Rupees 25 is the *probable* market value of five seers. The quantity of manufactured Indigo which, under ordinary circumstances, would be the product of fifteen bundles: which fifteen bundles again would be the probable average quantity which, under ordinary circumstances, would be deliverable for each Beegah in the contract.

The expenses of manufacture of the quantity are Rupees 1-8. The contract price at six bundles the Rupee, is Rupees 2-8, deducting which, Rupees 21 remains, to which Rupees two, the price of Seed lost, and for which, as I understand, the Ryot would have had to pay, has to be added.

In this calculation, if the Plaintiff is correct in his facts, a fair deduction for the ordinary risks of the Planter must have been made, because he professes to give a fair average, not only of the bundles per Beegah, but of the outturn of such bundles in the Vats, which, as I understand it, implies an average after allowing for ordinary risks.

Assuming the correctness of the evidence, therefore, the only deductions which, according to the rule above laid down, ought to have been made, and which have not been made by Mr. Herschel, are the deductions above referred to for discount, which should be calculated at the rate usual in the District up to the time when this Indigo could have been sold, and for carriage.

I think, however, that, in dealing with such claims, the Magistrates ought to satisfy themselves of the accuracy of the calculation made by the Plaintiff upon which his estimate of damages is founded, and should not award the full amount claimed. According to this calculation, unless thoroughly assured of its correctness, the result of a value of 23 Rupees to the Planter, of an article for which he contracts to pay only Rupees 2-8, is a startling one, and a Court having to assess damages on such a contract should look cautiously at the evidence given by one of the parties as to the amount of probable profit which the other party cannot possibly meet, as it lies mainly within the knowledge of the Plaintiff; and the Court may fairly take into consideration, with a view to reducing such damages, the many contingencies which might render the outturn of a season less favorable than a sanguine man may honestly believe it likely to be. The rate of Indigo (Rupees 200) per maund, upon which the Plaintiff's calculations are wholly based, is itself a high one, and a Magistrate, before adopting so high a rate, should be fully satisfied in his own mind that, as far as it is possible now to judge, there is a fair probability of that price being realized for such season's crop, supposing the season to be such as to admit of an outturn of fifteen bundles per Beegah, which is the assumption on which the Plaintiff relies, than as to such statements as the following, extracted from the case referred to :—" An average crop is fifteen bundles per Beegah. A Vat holds ninety bundles, equal to six Beegahs, and the average produce of a

Vat is thirty seers." The Magistrate, before adoptingt his calculation, should be satisfied that these are really fair averages, after making allowance for fluctuation of seasons and all risks to which Indigo is subject either before the Plant is cut or afterwards, and when in the course of manufacture.

In no case can the smallness of produce, or even the loss from the bargain to the Ryot, be properly taken into consideration in reduction of damages. If he is bound by the contract at all, the amount of damages to which he is liable must be measured by the loss to the other contracting party, by reason of its not having been performed, and the harder the bargain to the Ryot, of course the greater will that loss be. There can therefore be no set-off, as has been suggested, of the Ryot's loss in consequence of the inadequacy, real or supposed, of the rates agreed on to enable him to meet his rents and cultivation charges.

The task of the Magistrates in applying the principles above laid down in the assessment of damages is no doubt a difficult one, and requires much care and discrimination on their part. But I have no doubt that, by the terms of the Act, the Legislature has invested them with the full power that the Civil Court would have, under ordinary circumstances, to assess the full amount of damages consequent on a breach of contract, reserving to the Ryot the option, while it is quite yet feasible, to relieve himself from such payment by cultivating according to his contract.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioners of the Nuddea and Rajshahye Divisions, and to all Magistrates and Deputy Magistrates and Joint Magistrates empowered to try Indigo Cases under Act XI. of 1860,—(Nos. 2217, 2218, and 2219, dated the 5th May 1860.)

GENTLEMEN,

I AM directed to forward, for your information and guidance, a copy of a communication from the Advocate-General, in which are explained the principles on which damages should be assessed in cases adjudicated under Act XI. of 1860.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 131 Ct., dated the 12th May 1860.)

SIR,

I HAVE the honor to submit, for the information of the Lieutenant-Governor, the accompanying copy of a letter I have this day addressed to the Magistrates of this Division, regarding the method to be followed in assessing damages on breach of contract to sow Indigo under Act XI. of 1860.

2. The circumstances under which I thought it necessary to enter into these details are explained in the 1st paragraph of my letter above alluded to.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Magistrates of Nuddea, Jessore and Barraset,—(No. 81Ct., dated the 14th May 1860.)

SIR,

ON looking over the Statements of decisions for refusal to sow Indigo under Act XI. of 1860, forwarded to me from the Kishnaghur District, I notice generally that sufficient research and pains do not appear to have been taken by those Officers previous to giving a decision against a Ryot under advances within the meaning of the Act, to ascertain as correctly as possible at what rate the damages should be assessed.

2. The general principle on which damages should be assessed has been laid down in the Advocate-General's opinion, forwarded to you by Endorsement No. 75, dated 8th instant, but there are also particular points which should be taken into consideration by the Presiding Officer before the amount in each case has been finally decided on.

3. For instance, the lands of one Village may be much more capable of yielding a large crop of Indigo than the lands of another Village in the same Concern, and this no doubt is also equally true of the lands belonging to one and the same Village, some being highly suitable for the cultivation of the crop and others also suitable but in a less degree. The yield in the one case might be from fifteen to twenty bundles per Beegah, and the other little above one-half that quantity.

4. Under these circumstances, I think it would not be requiring too much if, in every practicable instance when Ryots are under trial for breach of contract under Act XI., the Planters were called upon to

show what has been the average amount of Indigo which has been obtained from those Ryots' lands heretofore, and when this has been carefully ascertained, then to determine the amount of damages according to the principles laid down by Mr. Ritchie.

5. As all the Planters profess to keep annual accounts, showing the exact number of bundles of Plant taken off each Beegah of land belonging to those who are under advances to the Factory, there would be no hardship in calling upon them to produce these accounts. Cases would not be disposed of quite so quickly, and a separate judgment would be required in each individual case, but there can be no doubt that a much more equitable decision would be gained in each particular case than the records now before me seem to show.

6. I would also particularly beg your attention to the remark made in the Advocate-General's letter, that, in dealing with these cases, the Magistrates ought to satisfy themselves of the accuracy of the calculation made by the Plaintiff upon which his estimate of damages is founded. Collateral evidence by the production of the Books of the Factory should be invariably required, and no item should be omitted which would affect the result of that calculation. For instance, I would remark in the case entered in the margin of Mr. Ritchie's letter, all charges on account of package, transport, insurance, commission charges of sale, have been ignored; and this I think is clearly incorrect, as obviously tending to raise the damages to a higher standard than the Planters are fairly entitled to claim. The above particulars could not of course be obtained for this year, but a call on the Planter for the Books of the past season would clearly show at what figure they might be fairly estimated.

7. There remains yet one point to which I would beg your attention in this important subject. In a Kubooleut now before me, executed by one of the Ryots of Joyrampore, it is stated as follows:—"For any neglect of sowing and supplying leaves, I shall pay 10 Rupees per Beegah as the profit which would have accrued from Indigo thus damaged." The above sum may be fairly taken as the maximum loss the Planter would sustain on the failure of the Ryot to perform his contract. If such a case were brought to trial in a Civil Court no damages would be given in excess of the amount thus expressly recorded in the contract. You are now in the position of a Civil Judge for the trial of these cases, and when Kubooleuts are produced on a trial distinctly ex-

pressing the amount of damages the Planter has agreed to take from the party executing the Kubooleut on his failure to perform his part of the agreement, I do not think it would be equitable or fair to decree any sum in excess of it.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2534, dated the 17th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 131Ct., dated the 12th instant, and in reply to inform you that the Lieutenant-Governor agrees with you in thinking that sufficient pains have not been taken by the Magisterial Officers acting under Act XI. of 1860, to obtain reliable grounds for forming an equitable assessment of damages, before such damages are assessed. The cautions contained in your letter to the Magistrates, whereof a copy was inclosed with your letter under reply, appear to the Lieutenant-Governor quite proper.

2. Magistrates must remember that the Law, as passed, vests them in these cases with the functions of a Supreme Court of Equity, from which there is no appeal, and they should therefore require, in assessing damages, evidence that would satisfy the conscience of a Court of Equity. An assessment greatly above, or greatly below the reality, may be the ruin of one or other of the parties.

3. When a Ryot has finally elected not to cultivate, but rather to pay in full the actual damage which his breach of contract causes to the other contracting party, (which it appears is the cause taken now by some Ryots), and when he has the means as well as the will to do so, all those special considerations on which the late special and temporary Law is founded cease to have any effect; and the case in every point of view is reduced to a simple Civil suit; the result of the suit is just, only when the Planter loses nothing and gains nothing by the Ryot's default; and if ordinary pains in order to make a reasonable approximation towards such a result are not taken, injustice is committed. The duty of deciding such suits in the last resort has fallen upon the Magisterial Officers; but the nature of the suits is not altered; allowance will be made for want of experience in such cases, but no allowance will be made for want of painstaking.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna,—(No. 3165, dated the 14th June 1860.)

SIR,

IN the Extract from your demi-official letter of the 7th instant, to the address of the Commissioner of Rajshahye, quoted in the margin, a question is raised as to the bearing of the Indigo Act XI. of 1860, on the contracts under advances for the supply of Carts and Boats to Indigo Factories. As the question is one of great importance, it is necessary that a legal opinion should be taken upon it. I am therefore desired to request that you will prepare, as soon as possible, a complete statement of the case, in which the facts must be fully, clearly and positively stated, and that you will send it to this Office in order to its being laid before the Advocate-General for his opinion.

"I have not seen the Ryots here yet, but from Mr. Davis' account, the position is exactly the same, except that here the Ryots deny having taken Cart advances. If so, of course they cannot be compelled to take them. Mr. Davis says there is nothing in the Law about Carts and Boats, and these advances do not come under it. In my opinion they form part of the contract for cultivating Indigo."

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Secretary to the Government of Bengal,—(No. 349, dated the 22nd June 1860.)

SIR,

IN reply to your letter No. 3165, of 14th instant, I have the honor to submit the cases to which I referred:—

No. 1.—An agreement has been entered into to cultivate Indigo and convey the crop to the Factory. A cash advance was made at the time on account of the agreement.

A further cash advance has been paid in the present season to the contracting Ryot on account of Boats or Carts.

There is also an old balance against him in the Factory Books on the same account.

The Contractor refuses to supply Carts or Boats, but is willing to convey his own crop to the Factory Vats.

Has the Magistrate jurisdiction?

No. 2.—There is a similar agreement and cash advance paid at the time.

The contracting Ryot has not received a further cash advance this season on account of Boats or Carts; he declines to do so, and refuses to supply either, but is willing to convey his own crop to the Factory Vats.

Up to this season he has always taken the advance for, and supplied Boats or Carts, and there is a balance on that account against him in the Factory Books.

Has the Magistrate jurisdiction?

Nos. 3 and 4 are Cases Nos. 1 and 2, but without the Clause in the original agreement, "and convey the crop to the Factory."

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Advocate-General,—(No. 3499, dated the 3rd July 1860.)

SIR,

I AM directed to forward to you a copy of the correspondence noted on the margin, and to state that the Lieutenant-Governor will be obliged by your opinion on the question therein raised as to the bearing of the Indigo Act No. XI. of 1860, on the contracts under advances for the supply of Carts and Boats to Indigo Factories.

To Officiating Magistrate of Pubna, No. 3165, dated the 14th June 1860.
From Officiating Magistrate of Pubna, No. 349, dated the 22nd June 1860.

From W. RITCHIE, ESQ., Advocate-General, to H. BELL, ESQ., Under-Secretary to the Government of Bengal,—(dated the 11th July 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 3499, dated the 3rd instant, and to enclose my opinion on the question therein referred to.

((Opinion of W. RITCHIE, ESQ., Advocate-General.

I AM of opinion that under an agreement to cultivate Indigo and convey the crop to the Factory, extending to the present season, upon which a cash advance applicable to the present season has been made, the Magistrate has jurisdiction, by virtue of Act No. XI. of 1860, in case of a breach of such engagement, either by refusal to cultivate or by refusal to convey the crop to the Factory. The breach of agreement for which the Act affords a remedy may either be by wilful delay, or omission to cultivate, according to the condition of such agreement, or by wilful delay or omission "otherwise to fulfil his engagement." The agreement to cultivate, mentioned in the Act, may well extend to the conveyance of the crop to the Factory, and if it does, the wilful omission so to convey will clearly be a breach cognizable under the Act.

2. When, on the other hand, there is no clause or provision in the agreement to cultivate, to the effect that the Ryot is to convey the crop to the Factory, the circumstance that, under a separate arrangement, the Ryot receives a cash advance expressly for the purpose of conveying the crop to the Factory will not bring a breach of the agreement to convey within the provisions of the Act; for it is only in case of a breach of the agreement, whereby the Ryot binds himself to cultivate for the present season, that jurisdiction is given to the Magistrate; and although, if that agreement contain collateral engagements as to the mode of performing or completing the principal engagements, a breach of such collateral engagements will be within the provisions of the Act: a distinct agreement to perform any collateral act, not proving part of the original agreement to cultivate, is not, and consequently a breach of it is not, within the Act.

3. These remarks dispose of the Cases put by Mr. Bainbridge as Nos. 3 and 4, neither of which are within the Act, as the original agreement contains no provision for the conveyance of the crop to the Factory; but they do not dispose of the Cases Nos. 1 and 2, which, as I understand them, turn upon a specialty, to which I will now advert.

4. It is said in No. 1 that the Contractor refuses to supply Carts and Boats, but is willing to convey his own crop to the Factory Vats.

5. It is also said that the original agreement was to cultivate Indigo and convey the crop to the Factory, without saying anything as to providing Carts or Boats, or as to the mode of conveying to the Factory.

6. In this state of things the Magistrate will have no jurisdiction; for there is no wilful delay or omission either to cultivate, or otherwise to fulfil the Ryot's engagement, as contained in his agreement to cultivate. A subsequent separate engagement by the Ryot upon an advance expressly made to supply Boats or Carts (by which I understand a supply of Boats or Carts to the Planters to enable his people to move the crop to the Factory), though it amounts to a valid agreement upon a sufficient consideration, enforceable in the ordinary Courts, is not part of the Ryot's agreement to cultivate, in respect of which alone the Magistrate has jurisdiction.

7. *A fortiori*, in Case No. 2, the Magistrate will have no jurisdiction, no cash advance having been made upon the engagement to supply Boats or Carts for the present season.

8. In both Cases Nos. 1 and 2, Contractor is stated to be willing to carry his own crop to the Factory Vats. He therefore has committed no breach of the engagement to convey the crop to the Factory, stated to be contained in his original agreement to cultivate; and in order to render him liable for not doing more than he is willing to do, it is necessary to resort to an agreement other than the agreement to cultivate.

9. But if in these cases the original agreement had been "to cultivate and to supply Carts or Boats to the Planter to convey the crop to the Factory," or to cultivate, and either to convey the crop to the Factory or to supply Carts or Boats to the Planter for that purpose, at the option of the *Planter*, I should have been of opinion, according to the principles stated in paragraphs 1 and 2, both Cases Nos. 1 and 2 fell within the Act, and that the refusal to supply Carts or Boats under such an agreement was a wilful omission to fulfil the Contractor's engagement, which gives the Magistrate jurisdiction.

Circular from A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to Magisterial Officers in the Indigo Districts,—(dated the 14th July 1860.)

SIR,

I AM directed to forward, for your information and guidance, a copy of the correspondence, noted in the margin, relative to the bearing of the Indigo Act No. XI. of 1860, on contracts under advances for the supply of Carts and Boats to Indigo Factories.

Letter to Officiating Magistrate of Pubna, No. 3165, dated 14th June 1860.
Letter from Officiating Magistrate of Pubna, No. 349, dated 22nd June 1860.
Letter to Advocate-General, No. 3499, dated 3rd July 1860.
Letter from Advocate-General, dated 11th July 1860.

(Opinion of W. RITCHIE, ESQ., Advocate-General,—(dated the 20th July 1860.)

I THINK that, after a Magistrate has ordered specific performance of an agreement to cultivate Indigo under Act XI. of 1860, the Magistrate, if he has ascertained that a certain quantity of Plant has been grown in pursuance of the agreement, but that the Ryot refuses either to deliver such Plant, or to allow the Planter to take it, may prevent the Ryot from removing that Plant for any other purpose than that of delivering it to the Planter, or from selling or alienating it to any other person:—and may also protect the Planter in taking delivery and removing to the Factory the Plant which has been ascertained

to be the subject of the order for the specific performance, to the extent of seeing that no breach of the peace is committed by the Ryots or others in opposing such taking delivery and removal.

2. Beyond this, I do not think the Magistrate can interfere after the order for specific performance itself, until an application is made either to levy the damages assessed from the property of the Defendant or for the imprisonment of the debtor, or for both such orders. Upon an application for the former order, there is no reason why the Plant in dispute shall not be attached, and sold in execution, or why the Planter should not purchase it, setting off the price against the amount of damage awarded :—but then there must elapse at least fifteen days between the order of sale being notified by the Magistrate in his Cutcherry and the actual sale. In the meantime, however, all proper precaution may be taken for the preservation of the Plant, which, from the date of attachment to that of sale, will be in the charge and custody of the Magistrate.

3. I have considered whether the Magistrate could not, as soon as he has ordered specific performance, order the attachment of the Plant itself, and carry out himself the order for specific performance by delivering the Plant so attached to the Plaintiff. It is to be regretted that the Act has not a provision to that effect, as it seems scarcely reasonable that the Magistrate should have power to attach at once any crop other than Indigo which may have been grown on the premises, as a security for the Plaintiff's damages which is given by Section II., but yet shall have no power to attach and the Plaintiff the benefit of the very crop to which he has established his right before the Magistrate. But the Act certainly gives no power to the Magistrate to attach the Indigo Plant grown under the agreement, at any time before he is moved by the Plaintiff to levy the damages assessed, and he can then only proceed by attachment and sale in the mode prescribed by Act VIII. of 1859.

4. It is clear that, before the order for specific performance of awarding damages is passed, the Magistrate has, under the Act, no power of interference with the Plant, except to the extent of seeing that no breach of the peace is committed by persons out of possession, and claiming it, whether rightfully or wrongfully, and endeavouring to take it by force out of the possession of Ryots or others in peaceable possession of it.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 3834, dated the 21st July 1860.)

SIR,

IT has been brought to the notice of the Lieutenant-Governor that in the neighbourhood of the Magoorah Sub-Division, in Jessore, disputes have arisen between the Planters and Ryots regarding Crops of Indigo which the former claim and the latter refuse to deliver, alleging that they have received no advances, and that the Crops are their own to dispose of as they think proper. It is stated that, on application being made to Mr. Tayler, in charge of the Magoorah Sub-Division, that Officer has expressed himself as unable to do more than send out Police Peons to keep the peace. This seems hardly probable, as Mr. Tayler must be aware that he is empowered and bound to enquire into any suits which may be instituted before him in connection with the Indigo claimed by the Factory. In case, however, of any misapprehension on his part, I am to request that you will direct Mr. Tayler to take up at once any suits under Act XI. of the current year, which may be brought before him, and to be prepared to go immediately to the spot, if any actions are lodged, in order to their being speedily decided.

2. I am to take this opportunity of forwarding to you fifteen copies of the Advocate-General's Opinion of the manner in which Indigo Crops should be dealt with in connection with claims for breaches of contract under the new Act. You will be so good as to furnish all Officers in your Division engaged in carrying out the said Act with a copy of this Opinion for their guidance.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3835, dated the 21st July 1860.)

SIR,

I AM directed to forward to you fifteen copies of the Advocate General's Opinion of the manner in which Indigo Crops should be dealt with in connection with claims for breaches of contract under Act XI. of the current year; and I am to request that you will be so good as to furnish to all Officers engaged in carrying out the provisions of the said Act, a copy of this Opinion for their guidance.

No. XXX.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 127Ct., dated the 8th May 1860.)

SIR,

I HAVE the honor to submit, for the consideration and orders of the Lieutenant-Governor, the accompanying Statements, in original, of cases which have been tried by the Authorities in Nuddea under Sections V. and VI. of Act XI. of 1860.

2. The meagre details which these Statements convey prevent my making such full comments on the particulars of each case as the occasion may appear to require; but I would venture to observe that they will all be found to contain such strong general probabilities in favor of the innocence of those who have been found guilty, as to warrant my soliciting His Honor's interference in their behalf, by granting them a free pardon, or at least reducing the very heavy sentences of fine and imprisonment which have been passed upon them.

3. The first is case No. 12. The Prosecutor is a Factory servant of Beerpore; and as the Ryots of that neighbourhood are known to have been conspicuous in refusing to come to terms with the Proprietor of Beerpore, it is but reasonable to suppose that there was a very strong personal feeling between the accuser and the accused, and that whatever might be urged by the former against the latter should be received with great scrutiny and caution. The story of the Prosecutor is that, when looking after the Indigo cultivation, he saw the Cattle of the Prisoners, tended by the Prisoners, eating down his Master's Indigo. Notwithstanding there being twelve persons present engaged, according to the Prosecutor's statement, in this unlawful act, he deposes to having taken the highly improbable step of endeavoring to surround the Cattle, but was prevented by their owners. He states he was accompanied by three witnesses; but there is nothing on record shewing why these witnesses went with him; whether they were servants of the Factory, and what means they had of knowing who the Defendants were. Their depositions all differ on very material points. One actually identifies one of the Prisoners as

Khoda Bux, Takeedgeer,
versus
Tarachand Sheikh, and four others.

another person; another says the Cattle were in charge of the Cow-herd; and none of them knew to whom the Cattle belonged.

4. Of the nature of the defence the record affords little opportunity of judging. Some of the accused appear to have contented themselves with a simple denial, others brought forward an *alibi*, and in five instances this was admitted and the Prisoners released. I would respectfully observe that, if, out of twelve men sworn to as driving Cattle in broad day-light in the middle of a Plain, the Deputy Magistrate rejected the evidence against five out of the number, and discharged them on the plea that they were not there, something more than precisely the same evidence for the prosecution was required against the remaining Prisoners, on whom he passed an order of imprisonment and fine.

5. Some stress must also, I think, be laid on the probability of the Prosecutor's story. It is well known that in Kishnaghur, and I believe in other parts of India, owners are not in the habit of driving their own Cattle to graze. The Cattle of several parties are formed into one herd, which is made over to a Cow-herd, under whose charge it remains throughout the day. That the Indigo in this instance was eaten down may be perfectly true, but it by no means follows that the Defendants drove their Cattle there in broad day-light, though Mr. Mackenzie appears to think so.

6. The next is a case of a very similar nature. The Prosecutor is recorded in the Tabular form as a Ryot under advances to the Beerpore Factory, but further on in the Statement he is mentioned as a discarded servant.

No. 14.

Damoo Rai
versus
Sadoochurn Cormocar, and eleven others.

7. The presence of the witnesses on the occasion in question is accounted for on the ground that they went to cut the Prosecutor's bamboos without his permission, and, on his proceeding to stop them, they all saw the Cattle of the Prisoners eating down the Indigo. No detail whatever is given of their examination.

8. The main feature in the defence of the accused in this case is, that this complaint had been preferred against them in consequence of their refusal to sow Indigo, but this very important point never seems to have been enquired into. One of the Defendants is asserted to be a Faqueer, without either cattle or lands, but he is condemned with the rest, the Deputy Magistrate, Mr. Mackenzie, remarking that, "if he lives by loafing on the Villagers, he would make common cause with them," and "that he looks a sharp fellow and is able-bodied."

9. This is a case similar as regards the offence as the two preceding, though the witnesses are not brought together by quite so extraordinary a combination of circumstances. The Prosecutor, as before, is a Takeedgeer; the witnesses servants in the employ of a Factory, and the accused are all found by them sitting under a Mangoe tree while their Cattle are eating up the Indigo. All the Defendants plead an *alibi*, but these are set aside, and, in consideration of this being the first offence in that Village, they received the "lenient" sentence of a "quarter of a year's imprisonment with labor, commutable to fine of 25 Rupees each."

No. 11.
Bhugwan Ghose, Takeedgeer,
versus
Bharan Mundul, and four others.

10. I noticed, in a remark of Mr. Herschel's on a case of this nature, that he has always found a slight punishment sufficient in such cases, and I think, even admitting this case to be true, of which I have great doubts, that it is one in which a really slight punishment would have probably done all that was required. The men have now been in Jail nearly a fortnight.

11. I have yet one other case to bring to the Lieutenant-Governor's notice. It is a case under Section V., and the decision is by Mr. Platts, the Deputy Magistrate of Kurreempore.

No. 7.
Suddoruddee Sheikh
versus
Haradhun Biswas, and three others.

12. The circumstances appear to be as follows:—One of the Munduls, or Headman of the Village, gave a feast, and, on the Prosecutor not appearing, he was invited to join it. In the course of the entertainment he was asked by the Defendants why he had not joined their league not to sow Indigo, and that, on his refusing to do so, they threatened to put him out of caste and drive him out of the Village. Three witnesses, who were reported to be present at the feast, support the Prosecutor's statement, but the Mundul, in whose house the intimidation is said to have been made, is not one of them, nor has his deposition been taken at all. I would also notice another apparently serious omission on the part of the Deputy Magistrate in not having ascertained that the Prosecutor had entered into an agreement to cultivate Indigo. This seems essential to the establishment of the charge under Section V. My own opinion is, however, that the whole story is unworthy of credit. I would respectfully recommend that the sentences be reversed.

13. In conclusion, I beg to report that I have desired the Magistrates to forward to me the entire proceedings in all cases under Act XI.

as soon as they have disposed of them. This will not occasion any inconvenience, as the cases will not be required by the Magistrates except for record; and I shall then have better means of forming a more correct conclusion on the decisions under this Law than are at present afforded to me.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA.

Mr. W. L. Mackenzie, Deputy Magistrate.

1.	2.	3.	4.	5.	6.	7.	8.	9.
No. of Case in the Deputy Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and grounds thereof, under Act XXXIII. of 1854.
No. 12.	Khoda Bux, Takeedgeer, for Mr. Jas. Hills' Factory, Beerpore.	1. Seetaram Boonwa. 2. Bishonath Boonwa. 3. Sona Boonwa	1. Tarachand Sheikh. 2. Manick Mullick. 3. Moti Sheikh. 4. Joshun Sheikh. 5. Mechoo Mundul.	1. Gopal Sheikh. 2. Rumzan Sheikh. 3. Osman Moolla.	Maliciously destroying and damaging a growing crop of Indigo. Section VI. Act XI. 1860. Date of offence, 1st Bysack. Date of complaint, 14th April (3rd Bysack).	Same as charged. Section VI. Act XI. 1860.	Three months' imprisonment each, with labor, commutable to fines of 25 Rupees each, to be paid within one week. W. L. M., *Deputy Magistrate.* *The 30th April* 1860.	Complainant deposes he went to look after the Indigo in the Moheshnugger Village on the 1st of Bysack. On approaching the mât of that Village, he found that some forty or fifty Cows belonging to Tarachand Mundul, Taloo Sheikh, Mechoo Mundul, the other Tarachand Mundul, Manick, Baool Mundul, Moti Sheikh, Amir Sheikh, Roopo Hookree, Joshun Mundul, were eating down and destroying about four Beegahs of Indigo Plant. On seeing this he went to surround the Cattle, whereupon the Defendants came,

prevented him from surrounding the Cattle, and snatched and took them away. Seetaram Boonwa, Sona Boonwa, and Bishonath Boonwa accompanied him. Identified Defendants present. Cannot say how many Cows belonged to each Defendant, but knows the Cows belonged to Defendants.

The witnesses Seetaram Boonwa and Bishonath Boonwa depose to the like effect. They don't however know to whom the Cattle *belonged*, but depose, point blank, to Defendants having fed the Cows on the Indigo, and to their having rescued the Cows. On identifying Defendants, Bishonath called Manick "Moti," and on Manick giving "dohai," and saying he was Manick, Bishonath checked himself and called him by his proper name.

Sona Boonwa deposes much to the same effect, but his testimony on one or two points is decidedly unsatisfactory. He said Rakhals were feeding the Cows; afterwards Defendants came and rescued the Cattle. Then said that the five Defendants (convicted) were with the *Rakhals*.

Local investigation in this case was conducted by my Nazir, owing to my having gone to Turneypore, about five miles from Moheshnuger. The Nazir finds and reports, after local enquiry, that he found Cow dung and the prints of Cows' feet on the spot, and found the tops of the Indigo Plant off.

Tarachand Sheikh pleads denial, and says that the complainant has not been in his Village since the month of Assin last. That he does not know why he has been complained on. The Factory Cows and Buffaloes eat that Indigo.

Manick Mullick pleads denial, and makes a very similar defence.

Moti Sheikh, to same effect.

Joshun Sheikh, denial. Knows nothing, or why complaint preferred.

Mechoo Mundul pleads denial; he says their Cows don't go to that mât.

Gopal Sheikh, Rumzan Sheikh, and Osman Moolla support the defence, deposing to the truth of the several pleas advanced.

After throwing overboard the evidence of Sona Boonwa, there remains sufficient evidence, and evidence, in my opinion, sufficiently satisfactory, against Defendants.

I see no sufficient reason to doubt that they maliciously damaged Indigo Plant by feeding Cows thereon, and I therefore convict and sentence, as detailed in Columns 7 and 8.

W. L. MACKENZIE,
Deputy Magistrate.

CAMP PHOOLBARIA,
The 30th April 1860.

P. S.—ON consideration of the defences of Amir Sheikh, Roopchand Mundul, Baool Mundul, Talook Sheikh, and Boro Tarachand Mundul

and of the depositions of their witnesses, Jamal Sheikh, Jadoo Sheikh, and Nuffer Sheikh, and the report of my Nazir, founded on local enquiry at the Village of Parkoola, I have a just doubt as to the presence of these men, give them the benefit of that doubt, and direct their discharge, as I think it possible their plea of *alibi* is true.

W. L. MACKENZIE,
Deputy Magistrate.

The 30th April 1860.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA.

Mr. W. L. Mackenzie, Deputy Magistrate.

1.	2.	3.	4.	5.	6.	7.	8.	9.
No. of Case in the Deputy Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and ground thereof, under Act XXXIII. of 1854.
No. 14.	Damoo Rai, a Ryot under advances to the Beerpore Factory for sowing Indigo.	1. Gopal Boonwa. 2. Sohun Boonwa. 3. Ramdhun Teeor.	1. Sadoochurn Kormokar. 2. Kheroo Sheikh. 3. Ramjoy Doss. 4. Nathoo Sheikh. 5. Meghai Mullick. 6. Haboo Sheikh. 7. Danesh Sheikh. 8. Goreeb Sirdar 9. Amir Sheikh. 10. Jadub Sheikh. 11. Hossein Ali. 12 Ismali Sheikh.	1. Notobur Boodro. 2. Srimunto Panrooey. 3. Kalechurn Gorai.	Maliciously destroying and damaging a growing crop of Indigo, and intimidating Complainant by threats Under Section V. of Act XI of 1859. Date of offence, 3rd Bysack 16th April, (Monday) 5th Bysack.	Same as charged. Sections V. and VI. Act XI. of 1860.	Six months' imprisonment each, with labor, commutable to fines of fifty (50) Rupees each, to be paid within one week. W. L. M., *Deputy Magistrate.* *The 24th April* 1860.	Damoo Rai, examined on the 7th instant, deposes he has taken advances from the Beerpore Factory; that his Indigo land is on the North mât of that Village; that on the 3rd Bysack, four or five dundas of the day still remaining, he found Defendants (he names them all in his deposition,) grazing Cattle on his land.

He went near the land and forbid them to have the Indigo eaten, upon which they threatened him. They said to him, you now wish to keep your Indigo; we will take your caste, burn down your house, and turn you out of the Village. There were forty or sixty head of Cattle in his land. They belonged to the Defendants, but he cannot specify how many Cows belonged to each Defendant. The Defendants were tending their Cattle, and had sent their Rakhals home to eat their rice. On being confronted with the eleven Defendants present on the 19th instant he identified them all. He is a discarded servant of the Factory; is not now a servant. He accounts for the presence of Gopal Boonwa and Sohun Boonwa in this wise: They had come to cut bamboos from a bamboo clump of his; he went out to forbid them, and then saw Defendants grazing their Cattle on his land. This is in his examination in chief. His witnesses Gopal Boonwa, Sohun Boonwa, and Ramdhun Teeor fully support his story, deposing to the like effect. To avoid repetition I do not transcribe an abstract of each man's deposition. They fully identify the Defendants Nos. 1 to 11, who were present when they were examined. As I was going to hold local enquiry at Chander Ghat in another case, I sent my Nazir to enquire if Indigo had been destroyed or damaged in this case. He finds and reports, after local enquiry, that he found prints of the feet of Cattle and Cow-dung on the land in question; that Cattle appear to have made a road or thoroughfare through the land; and that, from the appearance of the Indigo Plant tops, he is of opinion it has been eaten by Cattle. All the Defendants plead "not guilty;" and Defendants Nos. 1 to 10 and Defendant No. 12 all declare that the complaint has been preferred against them in consequence of their refusal or unwillingness to sow Indigo; that complainant is a servant of the Factory, and has been induced by the Factory Amlah to prefer this false complaint. Defendant No. 4 also pleads that his brother Teencowree Mundul has been imprisoned in a case of destroying Indigo; that he is frightened in consequence, and is aware he will be punished if he commits the offence. Defendant No. 5 also pleads that a brother of his has been sent to Jail. Defendant No. 6 says he has no ploughs and only one Cow; that he hires himself out as a laborer; that there are 300 houses of Ryots in his Village; that the 300 houses have been complained against; that the 300 houses are all combined not to sow Indigo. Defendant No. 8 says the Village Cows don't graze on that mât, they graze on the West mât. There are 300 houses of Ryots in the Village; they have not all been

complained against. Almost all the "Chassas" have been complained against. There are about 300 houses of "Chassas;" they have all been complained against. He has taken no Indigo advances; no Indigo is sown on his fields. Almost all the "Chassas" are unwilling to sow Indigo. Defendant 11, Hossein Ali, pleads he is a faqueer or beggar; that he has no "Chas Abad," or Cows, or relations in the Village he would go to assist. He says he was not a Lattial formerly, he was a Peeadah. (1) Notobur Roodro, (2) Srimunto Panrooey, (3) Kalichurn Gorai, have this day been examined in support of the defences. Notobur deposes to not having seen Defendants commit the offences with which they stand charged; that there is no road-way for men; that he did not hear the Defendants intimidate or threaten Damoo Rai; that the land in question is two or three russees from his house. Sremunto Panrooey gives similar testimony. Kalichurn Gorai gives evidence to like effect for Defendants 4 and 12 only. He says Hossein Ali, Faqueer, has a house in the Village, and lives in it; that he (witness) was not at home on the 3rd Bysack. Defendant No. 12, who was not present during the examination of Complainant and his witnesses, declines their being sent for to be confronted with him for the purpose of identification and cross-examination. Upon consideration of the whole of the evidence, I see no sufficient reason to doubt the truth of the complaint against one and all of the Defendants. The Village of Beerpore is most bitter against the Factory, and the Villagers are all combined against it. I think Hossein Ali, who calls himself a Faqueer, would be as bad as any, for, if he lives by loafing on the Villagers, he would make common cause with them. He looks a sharp fellow and is able-bodied. Seeing no sufficient reason to doubt the *bona fides* of the complaint, I convict and sentence, as detailed in Columns 7 and 8. This is the second time I have had to convict the Villagers of Beerpore under Section VI. of the new Law. I cannot therefore award a lighter punishment; and I will be even more severe if this does not check the commission of this particular offence in the Village.

CAMP PHOOLBARIA,
The 24th April 1860.

W. L. MACKENZIE,
Deputy Magistrate.

ORDERS reserved on the Defendant Harra Malow; Darogah to send in his remaining witnesses.

W. L. MACKENZIE,
Deputy Magistrate.

The 24th April 1860.

No. 557D.

SHOULD the charge be repeated against this particular Village, I request the Deputy Magistrate will make the most searching enquiry on the spot. It is almost incredible that Cattle trespass should continue after such severe punishment. I must repeat that in my own Villages a single light punishment has stopped it.

W. J. HERSCHEL,
Officiating Magistrate.

The 30th April 1860.

Memorandum by A. GROTE, ESQ., Officiating Commissioner of the Nuddea Division,—(dated the 27th April 1860.)

I SHOULD like to have seen more cross-examination in this case. Such observations as the following are to be deprecated in these decisions, unless the fact comes out in the evidence :—"The Village of Beerpore is most bitter against the Factory, and the Villagers are all combined against it." This ought not to be a consideration in weighing the sentence which should be passed in a case like this, where specific charges are made by one Villager against a number of his neighbours.

The combination of Villagers not to grow Indigo is not an offence within the cognizance even of Act XI., but the way in which the Deputy Magistrate here alludes to it would lead me to suppose that he considers such combination to be at all events improper.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA.

Mr. W. L. Mackenzie, Deputy Magistrate.

1.	2.	3.	4.	5.	6.	7.	8.	9.
No. of Case in the Deputy Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and grounds thereof, under Act XXVIII. of 1854.
No. 11.	Bhuewan Ghose, Takeedeer, for Mr. James Hills, of Chander Ghat Factory.	1. Neamut Sheikh. 2. Dewanat Christian, Chowkeydar. 3. Ramdhun Dass.	1. Bharan Mundul. 2. Momeraj Biswas. 3. Hyder Mundul. 4. Kurreem Mundul. 5. Rameshwar Malow. (Orders reserved on No. 5.)	1. Waris Sheikh. 2. Nepal Sheikh. 3. Gopal. 4. Harrow Sheikh. 5. Potai Mohaldar. 6. Nepal Sheik. 7. Gopal Mundul. 8. Koochubdee Kichnee. 9. Moosdeen Ghoramee. 10. Bhotai Khan. 11. Ariz Sheikh	Maliciously destroying and damaging a growing crop of Indigo. Section VI. Act XI. 1860. Date of offence, 13th April. Complaint preferred, 14th April 1860.	Same as charged. Section VI. Act XI. 1860.	Three months' imprisonment each, with labor, commutable to fines of twenty-five (25) Rupees each, to be paid within one week. W. L. M., *Deputy Magistrate.* *The 26th April 1860.*	Complainant, examined on the 14th April, deposes that, on the day previous, he went to look after the Indigo in the Turneypore Village, and found Kutool Mundul, Bharan Mundul, Momeraj Biswas, Rameshwar Malow, Kurreem Mundul, Jamo Sheikh, and Hyder Mundul were feeding some 100 or 125 head of Cattle on some five beegahs of Indigo Plant of the October sowings; that he attempted to surround the Cattle, when about fifty or sixty men came from the Village, and would not allow him to surround the Cows, snatched and took the Cows away, and that Rameshwar and Kutooli gave him two or three slaps. He explains to-day, on cross-examination, that he called Neamut, Dewanat, and Ramdhun Dass, and that they were assisting him to drive the Cattle

when the Cattle were rescued. Neamut Sheikh, examined on the 17th instant, deposes that, on the day after the Bhuggobutti Jatra, Ramdhun Duffadar, Dewanat Sheikh and himself were sitting smoking where a house is being built for the Sahib; that at this time complainant ran up from the South, and said Cattle were eating and destroying the Sahib's Indigo; they accompanied him and saw that Cattle were eating Indigo. The Defendants (he names all seven,) were sitting under a mangoe tree. On their surrounding the Cows, Defendants arose and made a noise; a number of people came out of the Village and snatched away and rescued the Cows; that he recognized Jhoroo Mundul as one of those who had come out of the Village. On being confronted with the Defendants yesterday witness identified all five of the Defendants present. Does not know how many Cows belonged to each Defendant, Dewanat Christian, Chowkeydar, examined on the same day, deposes to the same effect. Ramdhun Dass, ditto ditto. I went to the spot in person, and found that much damage had been done to the Indigo Plant by Cattle trespass. Defendant No. 1, Bharan Mundul, pleads denial, and that his Cattle do not feed on the mât in question. He can assign no reason for having been complained on. *Waris Sheikh*, one of the witnesses examined in support of his defence, proves that his Cows feed on the South-west mât, and not on the mât mentioned; he goes further, he says he was thatching a house in Bharan's baree and saw the Cows feeding there. He commenced thatching the house on the day of the Bhuggobutti Jatra, and was employed in that work for two or three days. Nepal worked with him. Gopal too was there making the thatch of his own house. *Nepal Sheikh* deposes much to the same effect. *Gopal* deposes that, on the day after the Bhuggobutti Jatra, or on the 2nd or 3rd of the month, the Village was burnt down, as were Bharan's house and his own house. Bharan was employed all that day in repairing the thatch of his Cow-house. He (witness) cut bamboos all day in view to re-building his own house. Defendant's Cows feed on the South mât and drink water in the Surrasatee Khall. He did not see Bharan go near his Cows all day. His house is about two russees distant. Knows he did not cause Indigo to be eaten, and so on. Defendant No. 2, Momeraj Biswas, pleads denial. He says we have not sown Indigo, hence this false complaint. His witnesses, Harrow Sheikh and Potai Mohaldar, in support of his defence, prove that they and he went all round the Village of Turneypore that day measuring out grain, and did not return

home till about 3 P. M. Defendants Nos. 3, 4, 5, Hyder Mundul, Kurreem Mundul, and Rameshwar Mundul plead denial. They can assign no reason for this complaint being preferred against them. Nepal Sheikh deposes, in support of Hyder's defence, that Hyder's Cows did not eat Indigo; that Hyder's land adjoins his, and they ploughed together on the 2nd of the month from early morning till half-past 1 P M.; that Gopal and he (Nepal) ploughed his (Nepal's) land, and that Hyder and his brother Aman Sheikh ploughed Hyder's land. Gopal Mundul deposes to the like effect. Koochubdee Sheikh and Moosdeen Ghoramee prove an *alibi* for the Defendant Kurreem Mundul. They depose to Defendant having called them and Bhotai Khan to thatch the house of his brother's mother-in-law, situate about one *powa* (half a mile) distant, in the same Village, but in a different *parrah*, and that Kurreem was with them all day as they made "the chal," and so on. Bhotai Khan deposes he knows nothing. Ariz Sheikh proves an *alibi* for the Defendant Rameshwar Mundul. I need not, however, yet give an abstract of his deposition, as Rameshwar wishes to examine more witnesses in support of his defence. I have found, from local observation, that Indigo has been much damaged by Cattle trespass on the land in question. Complainant and his witnesses have sworn they found Defendants causing the damage by Cattle trespass, and I see no sufficient reason to disbelieve this to have been the case. The defences of the Defendants certainly do not suggest a reasonable doubt. The witnesses for the defence prove too much; they prove what has not been alleged in defence by the Defendants themselves. As this is the first case proved in Turneypore I will be more lenient than I should otherwise have been, and convict and sentence as detailed in Columns 7 and 8.

CAMP PHOOLBARIA,
The 26th April 1860.

W. L. MACKENZIE,
Deputy Magistrate.

ORDERS reserved on the Defendant Rameshwar Malow, pending the examination of his remaining witnesses.

W. L. MACKENZIE,
Deputy Magistrate.

The 26th April 1860.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA, SUB-DIVISION KUREEMPORE.

Mr. F. T. Platts, Deputy Magistrate.

1.	2.	3.	4.	5.	6.	7.	8.	9.
No. of case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and grounds thereof, under Act XXXIII. of 1854.
No. 7.	Sudhoruddee Sheik.	Kangalee Sheik, Kalee Mullick, Ramjoy Ghose.	Harudun Biswas, Bukaullah Sheik, Golamee Sheik, Beckul Mundul.	Sookoor Sheik, Basharut Sheik, Hasil Sheik, Deenoo Sheik, Khosal Sheik, Mirjan Sheik.	Intimidating Ryots. 5th or 6th April 1860. 9th April 1860.	Ditto.	Bukaullah one month's imprisonment and a fine of Rupees 6 in lieu of labor. Golamee and Beckul 15 Rupees fine each, commutable to twenty days' imprisonment. 1st May 1860.	Plaintiff being called and sworn, alleges that, about 4 P. M. on the 24th or 25th of Cheyt, he was called by Kangalee Sheik to Teencowree Mundul's house; that afterwards (while there) Defendants asked him why he had not joined their league, telling him to do so and not to sow Indigo, promising to pay any expenses incurred by litigation; that on his refusal they threatened to put him out of caste and to drive him from the Village; whereupon he called on two or three men present to bear witness to what had occurred and went away. Witness Kalee Mullick deposes that, on the 24th or 25th of Cheyt, there was a dinner at Teencowree's house, to which he (witness) was invited; that Plaintiff not being there it was proposed to invite him, Kangalee performing the errand; that on Plaintiff's arrival Defendants accosted him, and taxing him with not having joined the movement against Indigo cultivation, advised him to do so, and, on Plaintiff's refusing, threatened to put him out of caste, drive him from the Village, &c., &c.; that Plaintiff has since then been shunned by the other Villagers.

Witness Ramjoy Ghose deposes to the same effect as the preceding.

Witness Kangalee Sheik being sworn, states that, on the 24th or 25th Cheyt, he was sent to call Plaintiff to Teencowree Mundul's house, there

being a dinner there; that, on his arrival Defendants, &c., &c., the same as above.

Defendant Bukaullah denies having threatened Plaintiff in any way, and cannot imagine why he has been charged with so doing.

Defendant Golami makes precisely the same reply as the above.

Defendant Beekul likewise denies the charge, which he declares has been maliciously got up.

Witness Soodooi Sheik deposes that, one day in Cheyt, he and Defendant Beekul were working together at the plough from morning till evening, after which they went to a dinner at Teencowree's house, at which Plaintiff also was present, but that nothing was said about Indigo.

Witness Basharut Sheik's deposition is much the same as the above. Says that Defendant Beekul threatened no one.

Hasil Sheik alleges that one day, towards the end of Cheyt, he and Defendant Bukaullah having worked together in the fields from morning, returned at 4 P. M. to the Village, and in the evening went to Teencowree's house, where he denies Plaintiff was.

Deenoo Sheik the same as the above, except that he does not know whether Defendant Bukaullah went to Teencowree's or not.

Khosal Sheik states that Defendant Golami did not threaten Plaintiff, and that he does not know whether the said Defendant was at Teencowree's house or not.

Mirjan Sheik likewise denies that Defendant Golami threatened Plaintiff, but admits that Plaintiff and the Defendant mentioned were both at Teencowree's house.

JUDGMENT.

I consider the evidence for the prosecution sufficiently consistent and conclusive. It is admitted, even by Defendant's witnesses, that the parties met at Teencowre's house, and there can be no doubt that the chief subject of conversation was Indigo cultivation. Equally undoubted are the facts that the majority of the Plaintiff's fellow-villagers have joined the Indigo movement, and that Plaintiff has not. I see no reason, therefore, to discredit the evidence adduced by the Prosecutor; and even Defendants seem to have admitted the uselessness of ascribing the charge to malice on the part of the Planter, since they have refrained from so doing.

I convict the Prisoners, and sentence Bukaullah to one month's imprisonment, and to pay a fine of Rupees 6 on or before the 6th May 1860, or, in default of payment, to labor until the fine be paid or term of sentence expire; Golami and Beekul to Rupees 10 fine, commutable to twenty days' imprisonment.

Defendant Haradun has not yet been apprehended.

F. T. PLATTS,
Deputy Magistrate.

The 1st May 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2529, dated the 16th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 127, dated the 8th instant, submitting, with your remarks, the record of three cases tried by Mr. Deputy Magistrate Mackenzie, and of one tried by Mr. Deputy Magistrate Platts, under the 5th and 6th Sections of Act XI. of 1860, in all of which you consider it necessary to recommend either a free pardon or a mitigation of the sentences passed upon the Prisoners.

2. In the first of these, Case No. 12, the conviction is very unsatisfactory. The case, as you observe, is of such a nature that the evidence for the prosecution required a much stricter scrutiny than it received. It is inconsistent and contradictory on some points; and it is difficult to understand how, as the witnesses for the prosecution all swore to the presence of the ten Prisoners, the Deputy Magistrate believed them in respect to five of the Prisoners, and did not believe them in respect to the other five. If it was a fabricated case, as it has all the appearance of being as against one-half of the persons accused, it is not likely to be otherwise as against the other half. The convicted men must be released and their fines remitted.

3. Case No. 14. This is a most unsatisfactory trial, and the Deputy Magistrate appears to have avoided all the points for the defence on which the testing of the truth depended, some of the Prisoners said that they possessed no Cattle, but no attempt was made to ascertain that fact. They allege that the prosecutor, who swears that he is a discarded servant of the Factory, is *now* a servant of the Factory; the Manager or

Headman of the Factory could have been called to speak to this point, but the Deputy Magistrate drops it altogether. Some of the Prisoners allege a reason why a false charge against them should be brought, which, under the peculiar circumstances is worthy of inquiry; but no inquiry into the point is made. Similarly, no reason is required why these Prisoners in particular should have been at pains to drive Cattle upon the Prosecutor's Indigo. The evidence of the Herdsman, who, the Prosecutor swears, had just gone home, appears not to have been taken; and no evidence is taken as to whether Herdsmen usually or ever do go home at the hour of the day specified, leaving their Cattle in charge of a dozen Villagers. Nothing can be less probable. One Prisoner asserts that the Village Cows do not graze in the quarter alleged, but in an opposite quarter. No fact could be more important, or more easily ascertained; but the Magistrate makes no attempt to ascertain it. The Defendant's case is, that most of the cultivators in their Village have refused to take advances, and have been prosecuted on false charges similar to this in revenge, or as a means of forcing them to cultivate Indigo. This, as you observe, was not inquired into; and it has not even been ascertained whether there has been, in fact, any great destruction of growing Indigo there, or not considering the fact that this is not the first conviction and heavy sentence for the same offence, on charges, whether true or false, which has been obtained by the Factory Amlah against the cultivators of this same Village; whilst Mr. Herschel, the very impartial and painstaking Magistrate of the District, reports that he has found, in the Villages immediately under him, that a single light punishment has always stopped the offence. The incomplete investigation of the Deputy Magistrate in this case is peculiarly unsatisfactory. It does not appear that Cattle have been in an Indigo field and they have damaged the Plant (though of how much, if any damage was done, there is no evidence whatever); and that is all the reliable evidence there is. The Officiating Commissioner's impression, that the case is wholly a got up one as against the Prisoners, seems to the Lieutenant-Governor justified by the Deputy Magistrate's statement.

4. From Mr. Herschel's remark there is no ground to fear that the first sentence will not be sufficient to check the offence, if offence there was. The Lieutenant-Governor desires that the Prisoners may be released.

5. Case No. 11. The Deputy Magistrate seems to have given his mind to this case, and to have weighed the evidence on both sides. He has also ascertained that much damage has been done to Indigo in the Village concerned, a fact not even alleged in the preceding cases. But the punishment is severe. The Lieutenant-Governor, at your recommendation, directs that the punishment be reduced as to term of imprisonment, and amount of fine in commutation of labor, by one-half.

6. In the last case submitted with your letter, Case No. 7, the evidence on the two sides was directly contradictory. The Deputy Magistrate believed that for the prosecution; but it does not appear why, before he came to a conclusion one way or the other, he did not call for independent testimony. The host was not called, whereas he and all the guests should have been examined; for, as the case stands, there seems to be little or no reason to believe one side more than the other. But assuming the correctness of the verdict as to the facts, the legal objection taken by you that there is no proof of any contract having been entered into by the person alleged to have been intimidated, the nominal prosecutor, is fatal. The Lieutenant-Governor directs that the Prisoners be released, and the fines remitted.

7. The proceedings are not creditable to the Deputy Magistrate's (Mr. Platts) mode of conducting his cases. The offence charged, according to his record, is "intimidating Ryots," which is not an offence at all; and the evidence, according to the Deputy Magistrate's statement, proves nothing that is an offence. The offence constituted by Section V. of the Indigo Act is, intimidating a person who has contracted to cultivate Indigo this season, and thereupon has received a cash advance, in order, by such intimidation, to induce him to break his contract; but the Ryot intimidated, so far as appears from the record, is not shewn to have entered into any contract or taken any advance.

8. Such an omission is very much more than an ordinary technical plunder. It argues inattention on the part of the Deputy Magistrate to the very question on which the whole of his proceedings under the Act ought to turn. The injustice which a Magistrate, habitually inattentive to this one point, may do in trying cases under the Indigo Act, and the just indignation which the proceedings of such a Magistrate may excite in the minds of the people, are manifest. I

am to request that you will call upon Mr. Platts for an explanation of the circumstances under which he charged these Prisoners with what is no offence, and sentenced them on what is evidence of no offence, disregarding the one point he should have had always in his mind, namely, the all-important question of fact of contract or no contract.

9. Your instructions to the Magistrates to forward to you the entire proceedings in all cases under Act XI. of 1860, as soon as they have disposed of them, are approved.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 138Ct., dated the 15th May 1860.)

SIR,

I REGRET to have to bring to the Lieutenant-Governor's notice the accompanying Statement, in original, of a decision by Mr. Platts, Deputy Magistrate of Kurreempore, in which he has, I think, unjustly condemned a person named Ameer Halsana to three months' imprisonment, on a charge of intimidation, under Act XI. of 1860.

2. The plaintiff, who is a Factory Ameen, personally knows nothing of the alleged offence, but he would appear, from a remark in Mr. Platts' judgment, to have been put in the position of prosecutor to support the direct evidence of the Takeedgeer. This Takeedgeer, also a Factory servant, and the principal witness in the case, cannot say to a day when the offence was committed, but describes how he heard the Prisoner was in a certain house; that he sneaked up to the wall, and there heard Defendant from the interior telling three or four other persons, who got together there, not to sow, and that if they did, they would be put out of caste. These men supported the Prosecutor's story, and this formed the evidence of the prosecution.

3. In my opinion the whole case is a fabrication; and, even admitting it to be true, it does not seem to me to constitute intimidation as required by the Law. I propose drawing Mr. Platts' attention to this point, and also insisting on his disposing of his cases with greater discrimination and care.

4. I would respectfully recommend the immediate release of the Prisoner.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA, SUB-DIVISION KURREEMPORE.

No. of Case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Name of Prisoner.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate, and when it was passed.	Decision and grounds thereof, under Act XXXIII. of 1854.
No. 51.	Gooroo Churn, Ameen.	Hagoo Takeedgeer. Himat Mundul. Bhuratoolla Sheik. Nufur Sheik.	Ameer Halsana.	Kaleh Khan. Phyroo Sheik.	Intimidation of Ryots. 15th April 1860. Date of complaint. 16th April 1860.	Ditto.	Imprisonment for three months, and to pay a fine of Rupees 12 or before the 14th May 1860, or, in default of payment, to labor until the fine be paid or term of sentence expire. *7th May* 1860.	

Plaintiff, called and sworn, states that on the evening of the 4th Boisak, Hagoo Takeedgeer came to him, in the Oojulpore Factory, and informed him that the prisoner had been endeavoring to instigate and intimidate the Ryots of Kalachandpore Village not to sow Indigo. Hagoo Takeedgeer deposes that, on the evening of the 4th or 5th Boisak, he went to the house of Himat Mundul of Kalachandpore, and was told that Himat had gone to Nufur Sheik's house; that he (witness) immediately repaired thither; and being informed on the way that the Prisoner was there, it set him to work thinking what business he (the Prisoner,) could have in the Village, as he belonged to the league against Indigo cultivation; that in consequence, on his arrival at Nufur's house, he played the eaves-dropper, and observing the Prisoner and two men, named Mudhoo and Kalachand and Himat Phuratoolla and Nufur seated together conversing, he listened to what was being said; that the Prisoner was advising and trying to persuade the three men last mentioned not to sow Indigo, and subsequently, on their refusal to comply with his advice, the Prisoner threatened that, unless they did, they would be put out of caste, &c.; that at this time he (witness) disclosed himself, and upbraided the Prisoner for endeavoring to incite the Ryots, and was told in reply that it was nothing to him, and he might do what he liked.

Himat Mundul deposes that he was called one evening from his house by Phuratoolla, who informed him that the Prisoner had arrived at Nufur's house, and wished to see him (Himat); that he accordingly went, and meeting the Prisoner, Mudhoo, and Kalachand, they all (six) sat and commenced talking; that the Prisoner tried to persuade them to give up Indigo cultivation, and subsequently, on their refusal, threatened that they would be put out of caste, &c.; that Hagoo Takeedgeer appeared at this time, and asked the Prisoner why he gave such advice to the Ryots, being told in reply to do what he could do to prevent it.

Phuratoolla Sheik deposes to the same effect as the above, and states that the Prisoner and his companions passing his house on their way to Nufur's, he, at their request, accompanied them, and subsequently, being asked by the Prisoner to call Himat, did so. Nufur Sheik states that one evening the Prisoner, Mudhoo, Kalachand, and Phuratoolla came to his house; that the Prisoner asked Phuratoolla to call Himat, and he did so, on whose arrival, &c., &c. (same as the preceding). Defendant Ameer Halsana denies the charge, and states that Mr. Hills wanted him to be a witness to certain documents he was fabricating, and this complaint against him is the result of his refusal.

Witness Kaleh Khan deposes that, on the evening of the 4th and 5th Boisak, the Prisoner was at the house of one Sahadut Khan, and remained there each evening till 8 o'clock talking of a certain marriage in view.

Witness Phyroo Sheik, the same as the above.

JUDGMENT.

The Prisoner is a discharged Factory servant, and has been under my notice some time as one of the chief instigators of the Ryots. This is the second charge against him. In the first I merely gave him a warning, by which he does not seem to have profited. His character being so well known, I consider Hagoo's suspicions, with reference to his visit to Kalachandpore (a *para* of Meherpore), and his (Hagoo's) subsequent proceedings, extremely probable. But for the Takeedgeer's discovery I do not believe that the Ryots whom the Prisoner was trying to incite would have informed against him, as they have never yet, to my knowledge, done so, unless by order of the Planter or his servants. The Prisoner therefore must have felt himself secure, and with reason

too, since he has passed unpunished so long. I consider the evidence for the prosecution satisfactory and conclusive. The defence is absurd, and displays great malice on the part of the Prisoner. With respect to the *alibi* established by the Prisoner's witnesses, I have to observe that this case was instituted by Hagoo Takeedgeer (the Ameen being subsequently directed to prosecute), who is uncertain as to the date of the occurrence, which he states was the 4th or 5th Boisak. The Prisoner's witnesses likewise mention both dates; and this carefulness to provide against contingencies appears to me remarkably suspicious. I reject the *alibi*; and, convicting the Prisoner, sentence him to three months' imprisonment from this date, and to pay a fine of Rupees 12 on or before the 14th May 1860, or, in default of payment, to labor until the fine be paid or term of sentence expire.

F. T. Platts,
Deputy Magistrate.

The 7th May 1860.

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2575, dated the 18th May 1860.)

Sir,

I am directed to acknowledge the receipt of your letter No. 138Ct., dated the 15th instant, submitting the original record in another case decided by Mr. Deputy Magistrate Platts, under Act XI. of 1860, and in reply to state that this conviction is bad for the same reason that applied to Case No. 7 in the Orders of the 16th instant, No. 2529. The charge is for what is no offence; and there is no evidence of what would support a charge that would amount to an offence under the Act.

2. The Deputy Magistrate's proceedings would be intelligent and reasonable if the Law were that every Ryot is bound to cultivate Indigo, and that to induce any Ryot not to do so is a misdemeanor. But as the Law is not so, the proceedings are far from creditable. They are also objectionable in this, that the offence charged consisting wholly of words spoken, no attempt is made to ascertain what were the words really used.

3. The Lieutenant-Governor desires that you will take means to ascertain whether the legal flaw in these two cases is accidental, or whether Mr. Platts does not understand the Law he is administering.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 42, dated the 7th June 1860)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 2575, under date the 18th ultimo, and in reply to submit herewith, in original, the explanation of Mr. Deputy Magistrate Platts, therein called for.

2. I trust under this explanation, and the Magistrate's remarks in favor of Mr. Platts, to which I also beg to add my own testimony of the Deputy Magistrate's general carefulness, the Lieutenant-Governor will not think it necessary to take any further steps in the matter.

Memorandum by W. J. HERSCHEL, Esq., Magistrate of Kurreempore,—(No. 170, dated the 4th June 1860.)

FORWARDED, in original, to the Commissioner. I take the liberty to add that Mr. Platts has shewn himself more anxious by his constant references on questions of Law to adhere to it than any Officer in the Zillah. That he has erred in this case arose from anything rather than from carelessness about the justice of his decision. That he has exercised his discrimination to the best of his judgment may be proved by the fact that of the intimidation charges preferred to him only a few stood the test of his investigation. He rejected most of them.

From F. T. PLATTS, Esq., Deputy Magistrate of Kurreempore, to the Officiating Magistrate of Nuddea,—(No. 112, dated the 2nd June 1860.)

SIR,

I BEG to acknowledge the receipt of your Memorandums No. 393 and No. 896, of the the 28th ultimo, and the papers (as per margin), forwarded therewith, demanding an explanation with respect to my omission to take evidence in Cases Nos. 7 and 57, as to the existence of the contract to sow Indigo.

Extract from letter No. 127Ct., dated the 8th May 1860, from E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal.

Extract from letter No. 2529, dated 16th May, from A. R. Young, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division.

Letter No. 138Ct., dated 13th May 1860, from E. H. Lushington, Esq., to the Secretary to the Government of Bengal.

Letter No. 2575, dated 18th May 1860, from A. R. Young, Esq., Secretary to the Government of Bengal, to E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division.

2. In reply, I regret to have to acknowledge that the omission constitutes a very great error, and an error which, now that

my attention has been drawn to it, I cannot conceive how I could have committed. So strongly does it argue inattention on my part, that I fear almost to deny the presumption; but I trust my general proceedings and antecedents will vindicate my character on this point. I can only state, in explanation, that the omission is a blunder, and a blunder so gross that to confess it is most humiliating.

3. Permit me, though respectfully, to urge that, in the case noted in the margin, the words used by the Prisoner for the purpose of intimidation *were* fully ascertained and recorded, though not mentioned in the Statement forwarded to the Commissioner: and in Case No. 7, the host Teencowrie was not summoned in consequence, *I believe* (I speak from memory not having the record of the case with me), of some of the witnesses having stated that he was tending his guests elsewhere.

No. 57.
Gooroo Churn
versus
Ameer Hulsana.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3125, dated the 13th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 42, dated the 7th instant, submitting the explanation furnished by Mr. Deputy Magistrate Platts, regarding the cases decided by him under Act XI. of 1860, which were submitted to Government with your letters No. 127 and No. 138Ct., dated respectively the 8th and 15th ultimo.

2. I reply, I am directed to state that the testimony borne by the Officiating Magistrate and yourself to the good general character of Mr. Platts' proceedings, and to his great anxiety to do justice according to Law, in the cases brought before him, is very creditable to him, and leaves no doubt in the Lieutenant-Governor's mind that the oversight in the two cases noticed was accidental, and that they are not instances of habitual carelessness.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 25, dated the 26th May 1860.)

SIR,

I HAVE the honor to submit an original decision of Mr. Platts, dated 13th April, and to solicit that the Lieutenant-Governor will be pleased to direct the release of Kishtolol Jowatdar, sentenced to six months' imprisonment for intimidating Ryots. On going through the records of this case, I cannot find that the alleged intimidation was offered to any Ryots who were under agreements to sow Indigo, and as this objection has been considered fatal to any conviction under Section V., it appears unnecessary to touch upon any other points in the case.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA, SUB-DIVISION KURREEMPORE.

Mr. F. T. Platts, Deputy Magistrate.

No. of Case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses & documents for Defence.	Crime charged, when perpetrated, and date of complaint	Crime established.	Sentence of the Magistrate and when it was passed.	Decision and grounds thereof, under Act XXXIII. of 1854.
	Kooran Takeedgeer.	Binud Sirdar. Oomed Mundul. Kifat Ghuramy. Panchoo Mundul. Kifat Mundul. Gudadhur Biswas. Madaree Mundul. Somatun Mundul. Khosal Kuriqur. Sreemunto Biswas. Budai Mundul. Golam Sheikh. Kumaralee Sheikh. Urjun Sirdar. Kader Hulsana. Nujeeb Mundul.	Kishtolal Jowatdar. Kishto Mohun Jowatdar. Hasil Biswas. Yasin Biswas.	Alum Mundul. Hanf Mundul.	Intimidating Ryots.	Intimidating Ryots.	Kishtolal Jowatdar to six months' imprisonment and a fine of Rupees 50 in lieu of labor. 13th April 1860.	

I consider the evidence for the prosecution consistent and conclusive. It is no secret that parties of men have been in the habit of going from Village to Village, persuading or intimidating Ryots to join the movement against Indigo cultivation; and the circumstances of the present case appear probable enough. The Prisoner first pleads that he is Mr. Tripp's servant, and can therefore have no object in inciting the Ryots not to sow; but this statement is false, for one of his own witnesses contradicts it by saying that the Prisoner has been six or seven

months out of employ, and Mr. Tripp, through his Mooktear, likewise denies it. The Prisoner then ascribes the charge to malice on the part of the Prosecutor, but the improbability of the circumstance connected with this plea is manifest; and moreover, the Prosecutor, in prosecuting, merely obeys his master's order, and the Prisoner has no grounds to impute malice to the witnesses, nor to Mr. Tissendie. I therefore see no reason to doubt the truth of the charge, and accordingly reject the *alibi* which the Prisoner's witnesses attempt to establish on his behalf.

I convict the Prisoner, and sentence him to six months' imprisonment from this date, and to pay a fine of Rupees 50 on or before the 20th April 1860, or, in default of payment, to labor until the fine be paid, or term of sentence expire.

The remaining Defendants have not as yet been apprehended.

F. T. PLATTS,

The 13th April 1860. *Deputy Magistrate.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2873, dated the 2nd June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 25, dated the 26th ultimo, submitting the original record of a decision by the Deputy Magistrate of Kurreempore, under Section V. of Act XI. of 1860, and in reply to state that, as there is nothing in the whole case to prove that the parties to whom the alleged intimidation was offered were under agreements to cultivate Indigo, the Lieutenant-Governor directs the immediate release of the Prisoner sentenced by Mr. Platts.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 26, dated the 28th May 1860.)

SIR,

I HAVE the honor to submit the accompanying decision, in original, of Mr. Platts, Deputy Magistrate of Kurreempore, condemning

one Kedarnath to three months' imprisonment for instigating the Ryots.

2. This case was brought before me when going regularly through the file of cases decided by Officers under Act XI. I think, however, the particulars most probably relate to the Kedarnath referred to in the 5th paragraph of your letter No. 1967, dated 27th ultimo, but I have not the petition at hand, and it would be obviously improper on my part to make any delay in order to ascertain this point, as the Prisoner has already suffered a considerable portion of a very unjust sentence.

3. The records of the case shew that the Prisoner was not a Mookhtar, but the Gomashtah of a Zemindar, and all that he appears to have done was to say to the Darogah, who was dispersing a crowd of Ryots in a Village—"The people will not sow Indigo, will the Authorities force the people ?"

4. The Darogah did not pretend to allege in his report that the crowd was tumultuous, or in the least excited by the Prisoner, but he thought his remarks quite sufficient to warrant his arresting him on the spot, and forwarding him to the Deputy Magistrate. Mr. Platts, in trying the case, appears to have omitted taking the deposition of this Darogah, who was of course the material witness in the case, but condemned the Prisoner on the evidence of three other persons who were reported to be among the crowd, and who swore they heard the Prisoner say the people will petition against Indigo planting.

5. In soliciting the Lieutenant-Governor immediately to annul this unjust and arbitrary sentence, I beg to urge, on behalf of Mr. Platts, that the Law had only then been in force a very short time ; that its purport was evidently misunderstood by Mr. Platts ; that I have since seen no similar decision of Mr. Platts, but, on the contrary, with some few mistakes, he has been doing his work with steadiness and care.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA, SUB-DIVISION KURREEMPORE.

Mr. F. T. Platts, Deputy Magistrate.

1. No. of Case in the Magistrate's Register.	2. Name of Prosecutor.	3. Witnesses and documents for Prosecution.	4. Name of Prisoner.	5. Witnesses and documents for Defence.	6. Crime charged, when perpetrated and date of complaint.	7. Crime established.	8. Sentence of Magistrate and when it was passed.	9. Decision and grounds thereof, under Act XXIII. of 1854.
81	Government.	Kistolall Burkundaz, Akbur Sheik Burkundaz, Ram Goyal Chatterjee.	Kelanath Sircar.	Dark Tantee, Huree Tantee, Ukhoy Gurrar.	Instigating Ryots, 24th March 1860.	Ditto.	Three months' imprisonment and a fine of 30 Rupees, to be paid on or before the 20th April 1860, or, in default of payment, to labor until the fine be paid, or term of sentence expire 15th April 1860.	The evidence for the prosecution is sufficiently satisfactory, and the Darogah's report likewise confirms the fact of the Prisoner having instigated the Ryots. The Prisoner pleads that he was engaged in settling accounts with certain of his Master's tenants, and that, when the Darogah addressed the Ryots, who purposed complaining regarding Indigo cultivation, one of them made a reply which induced the Darogah to turn upon him (the Prisoner,) and ask him why he instigated the Ryots. The inference from this is, that the Prisoner *had* said something to the Ryots to incite them not to sow. Again, the evidence adduced by the Prisoner proves that, on the Darogah addressing the Ryots, the Prisoner at once stepped out of his house and took part in the discussion. This is sufficient proof that he was not so busily engaged in accounts as he alleges, and that he was considerably interested (in what way has been proved by the evidence for the prosecution,) in the Indigo question. Thus the evidence cited by himself anything but tends to establish the Prisoner's innocence. I convict the Prisoner and sentence him to imprisonment for three months, and to pay a fine of Rupees 30, on or before the 20th April 1860,

or, in default of payment, to labor until the fine be paid, or term of sentence expire.

F. T. PLATTS,

The 13th April 1860. *Deputy Magistrate.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2875, dated the 2nd June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 26, dated the 28th ultimo, with its enclosure, and in reply to inform you that, under the circumstances of the case, and in compliance with your recommendation, the Lieutenant-Governor is pleased to remit the sentence passed by Mr. Deputy Magistrate Platts on the Prisoner Kedarnath on a charge of intimidating Ryots against cultivating Indigo.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 27, dated the 28th May 1860.)

SIR,

I HAVE the honor to submit, for the consideration and orders of the Lieutenant-Governor, the accompanying decision, in original, of Mr. Mackenzie, Deputy Magistrate, sentencing several men to imprisonment for maliciously damaging and destroying a growing crop of Indigo.

2. On a reference to the records of the case, I find the evidence for the prosecution is composed of Factory servants who happened to arrive at the spot from different parts of the country at the same time, but whose statements of what they saw are bare, deficient and irreconcilable. The Prosecutor himself, though deposing to finding the Cattle eating the Indigo, does not say that the accused men were in sight at that time, but that they came out of the Village, the distance of which is not mentioned, after he had seized the Cattle and was driving them away. Ramloll, the owner of the crop on which the Cattle were said to have been grazing, appears not to have been examined at all.

3. Under such circumstances it appears to me that the finding the Prisoners guilty of maliciously destroying the crops was clearly erroneous.

4. In soliciting the Lieutenant-Governor to release these men, I beg respectfully to remark that I have no doubt of the Indigo being eaten down in this field, though not as described by the witnesses. Such cases of destruction of Indigo crops constantly occur, but however desirable it may be to put a stop to such proceedings, and to afford the Indigo Planter all the protection the Law permits, it is not of course to be done at the expense of injustice to individuals. At the present time it is very necessary to be more than ordinarily cautious in sifting such cases, for there is reason to fear that advantages have been taken, of the fact of crops having been destroyed, to charge the offence against men who are in open opposition to the Factory, or who had taken advances to cultivate, which they had repudiated, but which could not be proved against them, and thus create such terror as would at once put down all other difficulties towards carrying on the cultivation of Indigo in that part of the country. The present case would appear to be one of these.))

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA.

Mr. W. L. Mackenzie, Deputy Magistrate.

1. Number of Case in the Deputy Magistrate's Register.	2. Name of Prosecutor.	3. Witnesses and documents for Prosecution.	4. Names of Prisoners.	5. Witnesses and documents for Defence.	6. Crime charged, when perpetrated, and date of complaint.	7. Crime established.	8. Sentence of the Magistrate and when it was passed.	9. Decision and grounds thereof, under Act XXIII. of 1854.
No 12.	Sokie Churn Bastee, Takeedgeer, on behalf of Mr. James Hills, of Chunderghaut Factory	1. Amir Sheikh Takeedgeer. 2. Modoo Baggdee, Chowkeydar. 3. Roghoonath Rajbunsee. 4. Rohim Niccari. 5. Nondoram Halshana.	1. Hullodhur Biswas. 2. Sadoo Churn Biswas. (Orders reserved.) 3. Gudadhur Biswas. 1. Joychondro Das. 5. Srustidhur Das. 6. Poran Paramanick. 7. Bhugwan Mundul. 8. Horis Khota, (Evading process.) 9. Rajchunder Khota. (Orders reserved.) 10. Noyan Sornocar. 11. Nobai Biswas. 12. Kallachand Biswas. (Orders reserved,)	1. Koobeer Das. 2. Koobeer Das, of Sustitolla. 3. Juggoo Mohun Biswas. 4. Sittul Das.	Crime charged, perpetrated on the 3rd Bysack or 14th April. (Saturday) complaint preferred, Monday the 17th April. Maliciously damaging and destroying growing Indigo crop, &c. &c.	Maliciously damaging and destroying a growing crop of Indigo. Section VI. of Act XI. of 1860.	Three months' imprisonment each, with labour, commutable to fines of twenty-five Rupees each, to be paid within one week. W. L. M., *Deputy Magistrate.* *The 23rd April 1860.*	Complainant, sworn on the 17th April, deposes that four days before, or on the Saturday previous, at about 9 A. M., he, accompanied by Amir Sheikh, Takeedgeer, Modoo Chowkeydar, and Roghoonath Takeedgeer, went to the Nowrecapota

mât to the East of Chunderghaut to look after the Indigo crops; that they found fifty or sixty head of Cattle eating down Indigo in the fields of Ram Lal Das and other Ryots, that the Cattle belonged to the Defendants (all

twelve of whom he names in his deposition); that he and his three companions surrounded the Cattle in view to taking them to the Thannah (*i. e.* the Pound); that Defendants, who were sitting under a *bur* tree, on seeing them, surrounded the Cattle, shouted and abused them; that about fifty or sixty men, armed with latties, &c., came out of the Village, and seized and rescued the Cattle, and that he and his companions ran away through fear of their lives. He could not recognize who the men were who came out of the Village. On the 20th instant, Prosecutor on being confronted with the eleven Defendants in Court, identified and named them all.

Complainant's witnesses, (1) Amir Sheikh, Takeedgeer; (2) Modoo Bagdee, Chowkeydar; (3) Roghoonath Rajbungsee; (4) Rohim Niccari; (5) Nondoram Halshana, examined in the presence of the accused on the 20th instant, support the charge preferred, and depose to the same effect in chief as complainant. The points of variance in their testimonies appear so slight and immaterial that I do not give an abstract of each man's deposition separately, in order to avoid repetition. Suffice it to say that witnesses 4 and 5 account for their presence near the spot by stating they had just crossed the River in the Ferry Boat that plies at that spot, and suffice it to say that 4 Rohim Niccari only recognized four of the Defendants on the spot, *viz:* Sadoo Churn Biswas, Kallachand Biswas, Bhugwan Mundul and Noyan Sornocar; that he identified these four on being confronted with them, and that 5 (Nondoram Halshana) only recognized seven of the Defendants on the spot, *viz.*, Kallachand Biswas, Hullodhur Biswas, Bhugwan Mundul, Noyan Sornocar, Horis Khota, Sristidhur Das and Poran Paramanick; and that, on being confronted with six out of the seven Defendants (Horis Khota is evading process, and was not present in Court), he identified all six. Complainant and his witnesses, 1, 2, 3, identified all eleven Defendants in Court on being confronted with them.

I visited the spot in person on the 18th instant, and found that much damage had been done to the growing crop of Indigo by Cattle trespass. I am not a sufficiently good judge of Indigo Plant to be able to give a positive opinion as to whether or not the Plant now eaten down will revive and grow again on further rain falling, but, if it does, or any portion of it does, I should certainly think it (or such portion of it) will never grow to the height it would otherwise have done, and though I have a doubt as to the Plant having been *totally destroyed*, yet I have no doubt as to its having been *greatly damaged* by Cattle trespass.

Defendant No. 1, Hullodhur Biswas, pleads denial; that he knows nothing, and cannot say why he has been complained on.

Defendant No. 2, Sadoo Churn Biswas, pleads denial. He says a false complaint has been preferred against the Defendants because they will not consent to sow Indigo. He says the Indigo was sown in the month of Kartick, and that in the month of Poos some lands were eaten down in behalf of the Sahib and some Indigo was cut with *Kachees*. That afterwards in the month of Bysack, on rain falling, the Indigo grows again, and hence the Indigo has been eaten down before hand.

Defendant No. 3, Gudadhur Biswas, pleads denial; that he knows nothing and that he not being able to sow Indigo, this complaint has been preferred against him.

Defendant No. 4, Joychondro Das, pleads denial. He knows nothing.

Defendant No. 5, Sristidhur Das, pleads denial. He does not go near Indigo; the complaint has been preferred because he refuses to sow Indigo.

Defendant No. 6, Poran Paramanick, pleads denial. He has not sown Indigo, hence this complaint to ruin him.

Defendant No. 7, Bhugwan Mundul, pleads denial, and ditto.

Defendant No. 8, Horis Khota, is evading process; not yet before the Court.

Defendant No. 9, Rajchunder Khota, pleads denial, and makes a similar defence to No. 7.

Defendant No. 10, Noyan Sornocar, pleads denial. He has refused to sow Indigo, hence this complaint.

Defendant No. 11, Nobai Biswas, pleads denial, and ditto.

Defendant No. 12, Kallachand Biswas, pleads denial, and ditto.

The witnesses (1) Koobeer Das (2) Koobeer Das, of Sustitolla; (3) Juggoo Mohun Biswas; and (4) Situl Das have this day been examined in support of the defences of the Defendants Nos. 1, 3, 4, 5, 6, 7, 10 and 11.

The first Koobeer Das deposes that Defendants had no quarrel with the Sahib and had not committed the offence charged. He says the houses of Defendants Nos. 1, 4, and 6 are in the same *parrah* as his own house, but that the other Defendants live one *parrah* distant. He does not know why Defendants have been complained against. On cross-exami-

nation, he admits that he himself has taken Indigo advances, but has not sown Indigo, because he is unable to do so, yet, that he is not in combination with others not to sow Indigo. Does not know how Defendants were employed on any specific date; does not know where Defendants were on the 3rd Bysack, (the date of offence.) He calls Defendants' Munduls or Biswas. He is a "Chassa," hence does not remember dates.

The second Koobeer Das (Sustitollah) knows nothing in support of the defence. He saw Defendants sitting one day in the Chunderghaut Cutcherry. He does not remember the date.

Juggoo Mohun Biswas deposes he did not see Defendants commit the offence charged, nor did he see them go near the fields, the scene of alleged offence. Defendants live one *parrah* distant from him.

Situl Das deposes in chief to the same effect as Koobeer Das (1). He lives in the same Village with Defendants, some in the same *parrah* and some in another *parrah* and so on.

I examined Mr. Augustus Saubolle, Manager of the Hurrah Indigo Concern, on the 20th instant, directed a copy of his deposition to be filed with the record and transcribed the questions put to him and his replies thereto as follows:—

Question.—Are Planters in the habit of allowing young Indigo Plant, of the October sowings, to be eaten down by Cattle or cut down by *Kachees*, until rain falls in spring, in view to rendering the Plant stronger?

Answer.—No, not unless the Plant is eighteen inches to two feet high, and then, to the best of my knowledge, not before the month of March. In rich soil if Plant was growing very fast with heavy rain now, I would cut Plant down to about a foot, but, in no case, no matter what the soil, would I, at present, allow Plant to be cut or eaten down which was not more than a foot high.

Question.—If Plant less than a foot high is eaten down by Cattle now, will it, on rain falling, grow again and yield you good produce?

Answer.—If Plant a foot high had merely its tops nibbled off, say an inch or two, I do not think it would be injured, but was Plant to be eaten down to within two or three inches of the ground, and there should happen to be no rain, it would be likely to dry up and die. If there was rain, it might grow again to the height of a couple of feet, but even this would be doubtful. (The average height of Plant we cut is five and six feet). I dare say some of the Plant would grow again to the height of two feet, the rest would probably die.

Question.—Is the sanction of the Planter himself necessary, or is the order of a Gomashtah, Ameen, or Takeedgeer sufficient in cases where Cattle are allowed to eat the heads of young October Plant, or where it is cut by *kachees* ?

Answer.—No. No Gomashtah, Ameen, or Takeedgeer has the power to allow October Plant to be cut or eaten without the Planter's orders or sanction.

Question.—Have you sanctioned the cutting or eating down of Indigo Plant within any fields under your jurisdiction during this present month of April ?

Answer.—No. I have not seen any Ryottee Plant fit to be cut just now, except a few Plants in Bhedbaria Village, which, however, I have not ordered to be cut.

Question.—I have scarcely seen any Plant a foot high, how do you account for this ?

Answer.—It is owing to the excessive drought, and partly to the wholesale trespass committed by Cattle this year.

Upon anxious consideration of the whole of the evidence, and after local observation (I forgot to mention I found most of the Plant [eaten] only a few inches high,) I see no sufficient reason to doubt the *bonâ fides* of the complaint against Defendants 1, 3, 4, 5, 6, 7, 10 and 11, and therefore convict and sentence them as detailed in columns 7 and 8. Should this punishment fail to check the commisison of similar offence in the Village, I will, on future proof, punish with the utmost rigour of the Law. Sentence deferred on Defendants 2, 9 and 12, a Takeed Perwannah to Darogah to produce the witnesses named in support of their defences.

CAMP PHOOLBARIA,
The 23rd April 1860.

W. L. MACKENZIE,
Deputy Magistrate.

No. 1.

STATEMENT OF CONVICTION.

DISTRICT NUDDEA.

Mr. W. L. Mackenzie, Deputy Magistrate.

1.	2.	3.	4.	5.	6.	7.	8.	9.
No. of Case in the Magistrate's Register.	Name of Prosecutor.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate and when it was passed.	Decision and grounds thereof under Act XXIII. of 1854.
No. 13.	Sorie Churn Bagdee, Takeedgeer, in behalf of Mr. James Hills, of Chunderghaut Factory.	1. Amir Sheikh Takeedgeer. 2. Modoo Bagdee Chowkeydar. 3 Roghoonath Rajbungsee 4. Rohim Niccari 5. Nondoram Halshana.	Iadoo Churn Biswas. — Rajchunder Khota. — Kallachand Biswas.	1. Dusrut Das. 2. Ram Lall Das 3. Jadoo Mundul. 4. Ramchunder Das. 5. Seedam Das.	Maliciously damaging and destroying growing crop of Indigo, &c. &c.	Maliciously damaging and destroying a growing crop of Indigo. Section VI. of Act XI. of 1860.	Three months' imprisonment each, with labor, commutable to fines of 25 Rupees each, to be paid within one week. W. L. M., *Deputy Magistrate.* *The 26th April* 1860.	The particulars of this case have been fully recited in my decision of the 23rd instant, convicting and sentencing Hullodhur Biswas and seven others. And as that decision is filed with the record I need travel over the same ground, re-transcribe an abstract of the depositions, &c.

Orders were reversed on these three Defendants on the 23rd instant, owing to their witnesses not having been examined. They were examined yesterday. Dusrut deposes to having gone to the Village Cutcherry to fetch *dhan* on the day in question (the 3rd Bysack,) and to having seen Defendants there at about 9 A. M. The other witnesses went with him. He returned home with the *dhan* about 12 at noon. Defendants' Cows went to feed at twelve. Does not know if the Cows have eaten Indigo or not. Knows nothing of any quarrel, and so on.

Ram Lal Das deposes to the same effect. He says it is true Indigo has been eaten, but not by Defendants' Cows; the Cows fed on the South-West mât on the 3rd Bysack. He saw them from the Zemindar's *golah bati* as they passed in front of the *golah bati*, the Defendants were in the *golah bati* that day. He (witness) went to the *golah bati* to fetch *dhan*, and so on.

Jadoo Mundul, Ramchunder Das and Seedam Das depose much to the same effect.

I convict Defendants of the same offence, and on the same grounds and evidence on which I convicted eight other Defendants on the 23rd instant, and sentence them to the same measure of punishment.

W. L. MACKENZIE,
Deputy Magistrate.

CAMP PHOOLBARIA,
The 26th April 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2872, dated the 2nd June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 27, dated the 28th ultimo, submitting the original decision of Mr. Deputy Magistrate Mackenzie, in the case of eleven men sentenced by him to imprisonment on a charge of maliciously damaging and destroying a growing crop of Indigo, and in reply to inform you that, under the circumstances pointed out in your letter, the Lieutenant-Governor is pleased to remit the remainder of the sentence, and to direct the immediate release of all the Prisoners.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 29, dated the 28th May 1860.)

SIR,

I HAVE the honor to submit the accompanying decision, in original, of Mr. G. Tayler, sentencing the Prisoners noted in the margin to imprisonment for intimidating Ryots; and to solicit that the Lieutenant-Governor will be pleased to direct their immediate release.

Hyder Mohlah.
Ramzan Mundul.
Ruttun Poramanick.

2. Independently of the legal flaw of there being no proof of the parties alleged to have been intimidated having entered into agreements, the Lieutenant-Governor will observe, from the remarks by Mr. Herschel, that Mr. G. Tayler was not at the pains to enquire by which of the Defendants the words of intimidation were used, or what they precisely were.

3. I regret to have had to bring to the Lieutenant-Governor's notice a sentence passed on such very hasty and insufficient grounds.

Shukool Mahomed Sheikh, Prosecutor, on oath deposes that the Magolah Ryots had come in to give a Razeenamah, when Hyder Mohlah, Ramzan Mundul and Ruttun Poramanick persuaded them not to do so, saying, that they would burn their houses and plunder their property if they did so, on which they refused to compromise the case. The Ryots were sitting while the compromise was being written, when thus threatened.

Ramsoondur Ghose, on oath, deposes to hearing the three Defendants persuading by threats the Magolah Ryots from giving a Razeenamah.

Asun Sheikh, on oath, deposes the same as above.

Ramzan Mundul, in defence, states that he knows nothing about this; calls no witnesses.

Ruttun Poramanick denies; no witnesses to call.

Hyder Mohlah denies; no witnesses.

The evidence adduced is in my opinion sufficiently clear for the conviction of the Prisoners, of whom first calls witnesses, though finally declares he has none to bring. The Magolah Ryots came in before me and expressed their willingness to give in a Razeenamah and though the Razeenamah was being written suddenly refused to do so; it is quite evident that some strong influence is at work which prevents those who are the better-minded from fulfilling their contracts, and, until some decisive measures are taken to prevent this, the intention of the new Bill being carried out. I therefore order that each of the three Prisoners be imprisoned for six months and 50 Rupees in lieu of labor. Fine to be paid in two days.

BUNNYBOREAH, 17*th April* 1860. } G. TAYLER.

The Ryots of Magolah came in to give an agreement to sow Indigo. While it was being written, Hyder, Ramzan and Ruttun spoke to them

and the Ryots changed their minds. The question is, what did you say? The evidence on this point is as follows. The witnesses were informed that the Defendants were "giving bad advice" to the Ryots. They went up, &c.

Witness, Ramsoondur Ghose, "saw Hyder, Ramzan and Rutun. These three were saying that if the Magolah Ryots give in a Razeenamah we will take away their caste and burn their houses. On this the Ryots being frightened, went away. I heard this myself."

Witness, Azim Sheik.—"The Ryots came to give a Razeenamah when Defendants (three) said "whoever agrees, his houses will be burnt and his caste taken away, and house plundered. On this the Ryots went away frightened. I heard this myself."

The Assistant Magistrate says it is evident there must be a "strong influence at work." If the words alleged were really uttered, and if the Magistrate had had no doubt of the fact, I do not think he would have used this expression. The evidence, as recorded, is most surely not conclusive. It is not alleged which of the three Defendants used the threat, yet where only words are punished, the first thing to be done is to ascertain who used them.

The decision has been hurriedly passed, and should, I think, be submitted for revision to Government.

The 19th May 1860. W. J. Herschel,
Officiating Magistrate.

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2871, dated the 2nd June 1860.)

Sir,

I am directed to acknowledge the receipt of your letter No. 29, dated the 28th ultimo, submitting the original record of a case in which three men have been sentenced to imprisonment by Mr. Assistant Magistrate G. Tayler, on a charge of intimidating Ryots, and in reply to state that, under the circumstances noticed by the Magistrate of Nuddea and yourself, the Lieutenant-Governor is pleased to authorize the immediate release of the Prisoners.

2. You are requested to communicate to Mr. Tayler an expression of the Lieutenant-Governor's regret and displeasure with his unsatisfactory proceedings in this case.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 30, dated the 29th May 1860.)

SIR,

ON going through the file of cases decided by Officers under Act XI., I have come to a Vernacular Order of Mr. Graham Tayler, sentencing thirty-nine men charged with breach of contract to pay a fine of 100 Rupees to Government if they do not sow Indigo for the Prosecutor, according to the terms of their agreements, and in default of payment to three months' imprisonment.

2. No Roobookarree or English decision is filed with the Proceeding, and in explanation of this extraordinary order; and as it is entirely without the Law, and the men have been in Jail since 11th April, I have desired the Magistrate to release the men on security, pending the orders of Government.

3. I trust that the Lieutenant-Governor will approve of this step, and also issue orders for the cancellation of the fine.

4. The Prisoners should, I think, receive their free discharge; but the Prosecutor should, I presume, have the power of instituting fresh proceedings against them when the case would be taken up in a proper manner.

5. Mr. Tayler similarly fined Ryots in two other cases for breach of contract, but the fine was accompanied with damages to the Planter. As these damages were paid, Mr. Herschel very properly discharged the men without taking any notice of the order for fining them.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2876, dated the 2nd June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 30, dated the 29th ultimo, and in reply to inform you that the Lieutenant-Governor approves of the orders issued by you in the case of the thirty-nine men imprisoned under an order of Mr. Assistant Magistrate Tayler, and directs that the sentence illegally passed upon them be at once remitted.

2. As these poor men have been imprisoned without lawful judgment on, and apparently without lawful trial of, the Plaintiff's claim, the supposition contained in your 4th paragraph, as to the position of the Plaintiff, seems correct. This, the Lieutenant-Governor remarks, makes the injustice of Mr. Tayler's order very glaring.

3. The Lieutenant-Governor desires that you will call upon Mr. Tayler for such defence of his conduct as he can make; and that you will report upon his general competency for the exercise of his present powers.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 208Ct., dated the 4th August 1860.)

SIR,

IN reply to your letter No. 2876, dated 2nd June, I have the honor to submit, for the orders of the Lieutenant-Governor, the accompanying copy of an explanation from Mr. Tayler, Joint Magistrate and Deputy Collector of Magoorah, regarding his proceedings in certain trials held by him under Act XI. of 1860 in Kishnaghur.

2. I regret to have to state that I consider this explanation to be very unsatisfactory, and showing at any rate that Mr. Tayler could have taken no pains to acquaint himself with this important special Law, which he was specially directed to administer with every care and discrimination.

3. On the other hand I have much pleasure in recording, after an examination of several cases decided by Mr. Tayler under the general regulations, in both Kishnaghur and Jessore, that his judgments appear to have been prepared with care, and are founded in each instance on such a proper and sufficient investigation of the merits of the case as to leave no doubt in my mind that he is fully qualified to exercise the powers he now holds.

From G. TAYLER, ESQ., Joint Magistrate of Magoorah, to the Commissioner of the Nuddea Division,—(dated the 13th June 1860.)

SIR,

IN reply to your Docket No. 23, forwarding a correspondence between yourself and the Secretary to Government of Bengal, in which

I have been called on for an explanation of my conduct with regard to a case decided by me under Act XI., I have the honor to state that I was of opinion that the damages to be awarded to the Planter, in consequence of the breach of contract, and the damages as an alternative were separate and nothing to do with each other, and I consequently passed the same order in each case. I thought that the payment of the alternative would have prevented the Prisoner going to Jail, even though the damages to the Planter had not been realized.

2. I would beg most humbly to remark that this order, illegal as it was (though unintentionally so on my part) would not have caused any greater severity or punishment to the Ryots than the Law actually intended ; but rather on the contrary gave them the chance of escaping imprisonment; whereas the non-payment of the alternative simply forced him to go to Jail till the realization of the damages to the Planter.

3. I have the honor also to state, for the information of His Honor the Lieutenant-Governor, and for his kind consideration, that in reply to a private note from the Magistrate, Mr. Herschel, I had (also privately) informed him of the exact order given by me and had also sent an abstract of all cases as they were decided to Mr. Herschel for his perusal and transmission to the Commissioner; but that, notwithstanding, I did not, till I had given over my duties at Nuddea, hear that I had acted in any other but the right way. I was also at an Out-station where I had no means of hearing in what way other Officers were deciding such cases. In the 5th paragraph of your letter you mention that in another case Mr. Herschel had released the Prisoner on the damages being realized without taking any further notice of the alternative. To this I can only reply that such was intended by my order it being unnecessary to realize the alternative also, since the Ryot had chosen to go to Jail.

4. With reference to the omission of damages to the Planter in the Vernacular Order and of an English decision, both are entirely owing to the carelessness of my *Amlah* I believe, for in every case the same order was given and an English decision attached.

5. In conclusion I trust that His Honor the Lieutenant-Governor will be pleased to accept this explanation as sufficient at least to exonerate me from all ideas of wilful injustice, and that you, when reporting on my general competency under my present powers, will take into consideration the character I have always obtained from my several

superiors, as also from my work at Nowadah ; and not from the few cases decided by me, under an Act which was mistaken at first by all the Officers I believe in the Nuddea Division, although not in so serious a manner as by myself.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 4177, dated the 13th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter of the 4th instant, No. 208, submitting a copy of an explanation from Mr Tayler, Joint Magistrate and Deputy Collector of Magoorah, of his proceedings in certain trials held by him under Act XI. of 1860, and remarking that, though you consider this explanation to be unsatisfactory, there is no doubt in your mind that Mr. Tayler is fully qualified to exercise the powers he now holds.

2. The Lieutenant-Governor is glad to find from Mr. Tayler's explanation which contains a free admission of the error into which he fell, that his orders in the cases in question were the result not of an intentional disregard of all Law, but of a misunderstanding of the Law under which he was acting. The Lieutenant-Governor agrees, however, with you in thinking that Mr. Tayler cannot have taken pains to acquaint himself with the special Law he was called in to administer; and after the strong injunctions issued to deal in a particularly careful manner with cases under this Law, such want of pains is much to be regretted. It is also apparent to the Lieutenant-Governor that Mr. Tayler not only omitted to study the Law with due care, but that he passed decisions under it, so irregular and defective in form, as to show that the cases tried were very hastily disposed of. Such want of care, when Mr. Tayler was sitting as a Civil Judge of last resort, trying Civil causes of great importance to the parties, was, in the Lieutenant-Governor's opinion, very blameable.

3. Your report of the manner in which Mr. Tayler exercises his general powers under the regulations, and of the care with which he decides cases in the ordinary line of Magisterial business, is, I am desired to add, satisfactory.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 31, dated the 29th May 1860.)

SIR,

I HAVE the honor to submit, for the consideration and orders of the Lieutenant-Governor, the accompanying decision, in original, from Mr. Mackenzie, Deputy Magistrate, sentencing the Prisoners named in the margin to six months' imprisonment on a charge of intimidating Ryots.

Lallchand Mundul.
Turribut Mundul.
Baool Mundul.
Deenoo Mundul.

2. In the first place, I beg to mention that it is nowhere recorded in the proceedings that the Ryots who were intimidated were under the agreements, as required by Section V. It is, however, stated by the Prosecutors that they had sown for the Factory, and though this is not, I think, sufficient, I would not wish to see the case overthrown on that account, but because the evidence in support of it is weak, inconsistent and inconclusive.

3. The Defendants have been for some time at variance with the Factory, and during the last six months have had cases against the people connected with it and against the Proprietors. Under such circumstances, the charge that they should have gone openly in a body to the Village in which the Factory stands, and there summoned the people, who were all staunch to the Factory, to come forward and discuss the question of throwing up their advances, and threatened them with excommunication and loss of property if they did not, was one from its nature requiring the most searching and careful investigation. I regret to observe that this has not been bestowed upon it.

4. The evidence shows that the four out of five Prosecutors were not of Bhugwan Village itself, but of adjoining "*parrahs*," and that they had gone there to collect Coolies when they were called out to meet the Defendants. Not one of these five persons attempted to state precisely in his deposition what each Defendant said, but all agreed in general terms that all the Defendants threatened them with loss of caste if they refused to join them. The Defendants appear not to have been present when the above statements were recorded, but when they were subsequently brought up to be identified before the Deputy Magistrate Sahib Khan, Prosecutor, called the Defendant Deenoo, "Oojeer;"

Subdar Bux, another Prosecutor, called the Defendant Potchai, "Lallchand."

5. Three witnesses were produced in support of the Prosecutor's statement, but the few points of variance found in their depositions, as stated by Mr. Mackenzie, are at once accounted for by the very general nature of their evidence. No single witness assigns any particular words of intimidation to any individual Defendant; there are even discrepancies in the general words used, and one witness said there were several other people, whom he did not know, present with Defendants, but whether they said anything or not he does not depose.

6. One of the pleas urged by the Defendants was, that the Prosecutors were petty Ryots who had no ploughs or cattle and could not therefore sow Indigo, but had been put up to this complaint by the Proprietors of the Factory. This was a very good plea, and Mr. Mackenzie very properly proposed to investigate it, but being prevented from going on the day appointed, sent an Amlah there without giving notice to the Defendants on the day following, when, as the Defendants allege, a partial and false return of the Prosecutor's position was submitted to the Deputy Magistrate, through the influence of the Factory servants.

7. In my humble judgment all the Prisoners in this case are guiltless of the charge, and should be discharged.

8. I beg to call attention to one very objectionable passage in Mr. Mackenzie's judgment. He appears to have measured the amount of punishment not according to what he thought the offence deserved, but because he knew Mr. Gow Smith, the Superintendent of the Factory, complained of the Defendants as being at the bottom of the combination and thought them the worst of all his Ryots.

No. 1.

STATEMENT OF CONVICTION.

No. of Case in the Deputy Magistrate's Register.	Name of Prosecutors.	Witnesses and documents for Prosecution.	Names of Prisoners.	Witnesses and documents for Defence.	Crime charged, when perpetrated, and date of complaint.	Crime established.	Sentence of the Magistrate and when it was passed.	Decision and grounds thereof, under Act XXVIII. of 1864.
No. 10.	1. Rajub Ali Meer. 2. Sahib Khan. 3. Joormul Sheikh. 4. Keenoo Sheikh. 5. Suddar Bux.	1. Edoo Meer. 2. Chand Mirza. 3. Maniot Sheikh.	1. Nilmoney Doss. (orders reserved.) 2. Potchai Mundul (orders reserved.) 3. Lallchand Mundul. 4. Turribut Mundul. 5. Baool Mundul. 6. Deenoo Mundul.	1. Seraj Meeah. 2. Goomani Meer. 3. Khubir Meeah. 4. Keamdee Meeah.	Intimidation by threats, Section V., Act XII., 1860.	Same as charged, Section V., Act XII., 1860.	Six months' imprisonment each, with labor commutable to fines of (50) Rupees each, to be paid within one week. W. L. MACKENZIE, *Deputy Magistrate.* 30th April 1860.	Rajub Ali Meer deposes that on the 27th Chyth, after night-fall, Potchai Mundul, Baool Mundul, Lallchand Mundul of Manicknuggur, Turribut Mundul and Neeloo Mundul of Pathurghatta

and Pathari Mundul, Deenoo Mundul and Kurreem Mundul of Gobindopore, came and told him to assemble others, (of his fellow Villagers,) he asked why? They replied it was necessary. On this, they stood under the Tamarind trees in the Village, and deponent went into the *parrah*, where he met Sahib Khan, Joormul Sheikh, Keenoo Sheikh, Suddar Bux Sheikh, Edoo Meer, Chand Mirza and Maniot Sheikh, all of whom he called. Defendants asked them what they were doing in their Village with respect to Indigo. They replied they had sown their Sahib's Indigo, will sow it and take no exception; whereupon Defendants said, we, the folks of all the Villages, have entered into a combination, it is not right in you, the Villagers of one Village, to keep aloof; sow no Indigo;

you will be put to no expense with respect to the costs of lawsuits; come with us and present a Petition to the Magistrate Sahib; you will not be charged with the cost of the paper, we will pay it; if you do not come it will not be well for you; we will stop your *hookha* and your *pani*; and if we, the Villagers of all Villages, plunder your Village, we are able to do so, therefore do not stand aloof but join us. Complainants replied they had no quarrel with their Sahib, and refused to file a Petition; Defendants then threatened them and went home. On being confronted with the six Defendants present in Court deponent identified them. Defendants never went to Complainant's Village before (to threaten or intimidate) but used to forbid them to sow Indigo when they happened to meet. Sahib Khan deposes to the like effect. On being confronted, however, with the Defendants he identified all, but called Deenoo "Oojeer."

Joormul Sheikh and Keenoo Sheikh depose to the like effect and identify Defendants. Subdar Bux deposes to the same effect, but on identifying Defendants called Potchai "Lallchand."

The witnesses Edoo Meer, Chand Mirza and Maniot Sheikh depose to the same effect and identify Defendants. The points of variance in the testimonies of Complainants and witnesses is immaterial on material points, and I do not transcribe an abstract of each man's deposition separately in view to avoid repetition.

The Defendant, Nilmoney Doss, pleads denial. He says he has no relations in the Village of Bugwan and is not acquainted with any of the complainants. That he has not been out of his own Village since the month of Assin last through fear of the Sahib, and that this complaint has been preferred against him because he will not consent to sow Indigo.

The Defendant, Potchai Mundul, pleads denial. He has not been to the Village of Bugwan for the past two months. Thinks Complainants may be servants of the Sahib, and have preferred this complaint in collusion with the Sahib. They (Defendants) have petitioned against the Factory.

The Defendant, Lallchand Mundul, makes a similar defence; but he cannot assign any reason for the institution of the complaint.

His witness Seraj Meeah knows nothing and does not remember where he himself was at night-fall on the 27th of Chyth, and so on, on cross-examination.

The Darogah has been unable to send in Gunganarain Bhuttacharjee for examination. He reports that the man has absconded from the Village in order to avoid giving evidence. As the Subpœna has not been personally served on him, I am unable to issue a Warrant for his arrest or to attach his property.

The Defendant, Turribut Mundul, pleads denial. He says he has not been to Bugwan for the past six months, and is not acquainted with any of the Defendants. He can assign no reason for the institution of the complaint, and calls no witnesses.

The Defendant, Baool Mundul, pleads denial; and makes a similar defence. He has not been to Bugwan for the past month, or month and a half.

His witness Goomani Meer says he does not know him, and knows nothing. He has not heard of the outrage, and so on.

This Defendant named another witness in support of his defence, one Oojeer Khan. He was duly summoned, but the Darogah reports there is no one of that name in the Village.

Deenoo Mundul pleads denial. He says he does not know who the Complainant Rajub Ali is; has heard he lives at Bugwan; he has not been in the Village of Bugwan, since he presented a Petition against the Sahib; used to go the rebefore; Complainants are "Meers" of their (Defendants,) caste, don't intermarry but eat together. Cannot say whence the complaint, fancies the Sahib has induced the Plaintiffs to complain, he being at enmity with us (Defendants).

His witness Khubir Meeah deposes he has not seen Deenoo go near the Village of Bugwan for nearly a year. Cannot say whether he forbad Rajub Ali to sow Indigo or not, or threatened him, and so on.

Keamdee Meeah deposes that Defendants did not threaten Complainants or forbid them to sow Indigo. He has not seen Defendants in the Village (Bugwan) this year, nor for the past ten or twelve years. The Villagers of Defendants' Village have filed a Petition against sowing Indigo.

The Defendants' Mooktear tried to establish, on cross-examination of Defendants' witnesses, that Complainants were all small men, who had neither ploughs nor ploughing cattle. I therefore determined to go to the spot and ascertain their condition in life. Want of leisure prevented me going in person, and I deputed one of my Amlah yesterday. He finds and reports that Complainants are of the middle class, neither great men nor small men.

Upon consideration of the whole of the evidence, I see no sufficient reason to doubt the truth of the complaint.

The point for consideration now is, what measure of punishment should be awarded. I know that Mr. James Gow Smith complains bitterly of the men of these Villages as being at the bottom of the combination against the Factory and the sowing of Indigo and being the worst of all his Ryots; and I am therefore of opinion that a severe penalty is required in this case.

I therefore convict and sentence as detailed in columns 7 and 8.

I reserve orders on Nilmoney Doss and Potchai Mundul, whose witnesses have not yet been examined.

W. L. MACKENZIE,
Deputy Magistrate.

PHOOLBARIA,
The 30th April 1860.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2897, dated the 4th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 31, dated the 29th ultimo, in which you submit an original decision from Mr. Mackenzie, the Deputy Magistrate, sentencing the four Prisoners named in the margin to six months' imprisonment on a charge of intimidating Ryots.

Lallchand Mundul.
Turribut Mundul.
Baool Mundul.
Deenoo Mundul.

2. The Lieutenant-Governor, in concurrence with the opinion expressed by you that the Prisoners are guiltless of the charge, directs that the sentence passed upon them be at once remitted.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 34, dated the 31st May 1860.)

SIR,

I HAVE the honor to submit the accompanying decision, in original, of Mr. G. Tayler, sentencing one Kala Chund to a fine of 50 Rupees, in default, three months' imprisonment, on a charge of instigating and dissuading Ryots from sowing Indigo by threats.

2. On an examination of the records, the case appears to consist in the fact of a Takeedgeer going to a tree where a number of Ryots were collected, and whilst persuading them to "make it up with the Sahib" the Defendant came forward and said "don't be taken in," the Planter is only frightening you.

3. Not one of these Ryots appears to have been examined, but there are three witnesses who were subsequently brought to the spot by the Plaintiff whose depositions differ from that of the Plaintiff and from each other, and in not one of them do the words alleged to have been used by the Defendant amount to intimidation.

4. The Prisoner deined the charge and cited witnesses, but they were never summoned.

5. Under these circumstances there can be no question of the Prisoner being entitled to his immediate release.

Number.	Prosecutor.	Witnesses and documents.	Prisoners.	Witnesses and documents.	Crime charged, when perpetrated, and date of complaint.	Crime established or date of acquittal.	Sentence and when passed.	Decision and grounds thereof.
114.	Areeh Sheikh.	Sungalee Sheikh. Dobai Sheikh. Kadoo Sheikh.	Kala Chund Mundul.	None.	Instigating and dissuading Ryots from sowing Indigo by threats, &c.	The same as Column 6.	Fifty Rupees fine, in default, three months' imprisonment, and ten Rupees in lieu of labor if paid in two days. *The 19th April* 1860.	Areep Sheikh Takeedgeer, on oath, states that I work at Alinuggur; my master has complained against Alinuggur and Koorub Danger Villages. Yesterday the 17th, about 12 o'clock, these men were sitting. I went to them to try to come to an amicable arrangement, on which Kala Chund Mundul, of Alinuggur, dissuaded them from so doing, and told them not to agree to sow Indigo. I heard this, also Sungalee and Dobai and Kadoo Sheikh heard it, so I called on them to give evidence. My witnesses are Ameens and Takeedgeers and one Ryot. They were sitting there (points to spot.)

Jungalee Sheikh, on oath, deposes to being called by Areep Sheikh and hearing Kala Chund instigating two Ryots not to sow. There is no grudge existing between the two parties.

Dohai Sheikh, on oath, deposes to the same facts.

Kadoo Sheikh, on oath, deposes the same as above.

Kala Chund Mundul denies; calls witnesses who are all Prisoners, and whom he was said to be dissuading.

On the above evidence the charge is sufficiently proved, more especially since the Prisoner is unable to bring forward any creditable evidence in defence; therefore order passed as recorded in column No. 8.

G. TAYLER.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2890, dated the 4th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 34, dated the 31st ultimo, submitting with your remarks the original decision of Mr. Assistant Magistrate G. Tayler, under Section 5, Act XI. of 1860, sentencing one Kala Chund Mundul to fine of Rupees 50, or imprisonment for three months, for instigating and dissuading Ryots from sowing Indigo.

2. Under the circumstances pointed out by you, the Lieutenant-Governor directs that the sentence be remitted, and the Prisoner immediately released.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 41, dated the 6th June 1860.)

SIR,

I HAVE the honor to solicit the favorable interposition of the Lieutenant-Governor on behalf of the men mentioned in the margin, who have been sentenced by Mr. W. L. Mackenzie to six months' imprisonment, on a charge of destroying an Indigo crop.

Nund Doss.	Tinkoree Mundul.
Maher Ally Sheikh.	Nokolee Sheikh.
Kurreem Mundul.	Jaroo Sheikh.

2. I have not the original decision in English at hand to submit to the Lieutenant-Governor, but the record shows that a Takeedgeer, a

Burkundauz, and two Boona Coolies of Beerpore Factory, saw the Defendant Moolookchand Sheikh and six other Defendants busily employed in ploughing up the Indigo. The Defendant Moolookchand admits ploughing up the crop, but denies its being Indigo of the present season. This, however, was found on local enquiry by the Deputy Magistrate in person to be untrue, and therefore on this account, and his own admission, I would suggest that the sentence against him should not be interfered with. I would recommend that the other Defendants should be discharged on the ground of the worthlessness of the evidence for the prosecution, and the fact that they have all shown good reasons why they were not concerned in the offence. They have already been two months in Jail.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3047, dated the 11th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 41, dated the 6th instant, and to state in reply that, in compliance with your recommendation, the Lieutenant-Governor authorizes the release of the Prisoners named in the margin, sentenced to six months' imprisonment by Mr. Deputy Magistrate Mackenzie, on a charge of destroying Indigo crop.

Nund Doss.
Maher Ally Sheikh.
Kurreem Mundul.
Tinkoree Mundul.
Nokolee Sheikh.
Jaroo Sheikh.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 142Ct., dated the 11th June 1860.)

SIR,

I HAVE the honor to solict the favorable interference of the Lieutenant-Governor on behalf of the Prisoners named in the margin, and sentenced by Mr. Maclean on 17th April to six months' imprisonment with labor, and 200 Rupees' fine, and in default of payment to a further period of six months, on account of maliciously breaking up a growing crop of Indigo.

Kopeeluddee Joadar.
Torap Joadar.
Modhoo Biswas.
Fuloo Sirdar.
Nokhee Molick.
Huly Joadar.
Chand Biswas.

2. The case is entirely supported, as many others have been of the same nature, by the servants of the Factory, who all happened to meet at the spot at the same time. There is also much discrepancy as to the residence of the witnesses. In one instance a witness, cited by the Plaintiff, is stated by him to be an inhabitant of a particular Village, while a person with precisely the same name, but an inhabitant of another Village, gave evidence, though this important point appears to have escaped notice.

3. Lastly, I would observe that the only independent testimony as regards the actual destruction of the Indigo is the report of the Mohurir, in which he states that the Plant had not the appearance of having been freshly broken up, but that of having been gradually encroached on for many days previous to the report of the occurrence.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3172, dated the 15th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 142Ct., dated the 11th instant, and to inform you in reply that, in consideration of the doubtful circumstances therein brought to notice as to the guilt of the Prisoners named in the margin, the Lieutenant-Governor has been pleased to remit the sentence passed upon them, and authorizes their immediate discharge.

Kopeeluddee Joadar.
Torap Joadar.
Modhoo Biswas.
Faloo Sirdar.
Nokhee Molick.
Huly Joadar.
Chand Biswas.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal, —(No. 151Ct., dated the 28th June 1860.)

SIR,

I HAVE the honor to solicit the favorable interposition of the Lieutenant-Governor on behalf of the Prisoners named in the margin, sentenced by Mr. Mackenzie to three months' imprisonment with labor, on a charge of intimidation, under Section III., Act XI. of 1860.

Misseer Biswas.
Jokee Mundul.
Heedoo Mundul.

2. It appears to me needless to comment at any length upon the evidence, as it is nowhere mentioned what particular persons were inti-

midated from sowing by the Defendants, beyond the general terms of the Ryots of certain Villages. Not one of these Ryots appears to have been examined, and the case rests entirely on the depositions of four Takeedgeers who found themselves together in the Village, when the alleged intimidation was going on.

3. The men should, I think, be released immediately.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3317, dated the 23rd June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 151, dated the 20th instant, and to state in reply that, in compliance with your recommendation, the Lieutenant-Governor is pleased to remit the sentence passed on the three Prisoners named in the margin, by Mr. Deputy Magistrate Mackenzie, on a charge of intimidation, under Act XI. of 1860.

Misseer Biswas.
Jokee Mundul.
Heedoo Mundul.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 159Ct., dated the 22nd June 1860.)

SIR,

I HAVE the honor to solicit the Lieutenant-Governor's interference on behalf of the Prisoners, whose names are entered in the margin, who have been sentenced to three months' imprisonment by Mr. Oliphant, Officiating Joint Magistrate of Nuddea, for maliciously causing the destruction of a growing crop of Indigo.

Nusseeram Ghose.
Kaloo Sheikh.
Sadoo Churn, and sixteen others.

2. The evidence against the Prisoners amounts to the fact that their Cattle were found eating down Indigo, but whether they had strayed there, or had been driven there on purpose, is not known, neither were the Defendants seen near the spot when the Cattle were seized. The only way the Defendants were traced to have any connection with the case was by their subsequently applying to the Pound-keeper for the release of their Cattle.

3. Under these circumstances, the charge of malicious destruction annot stand, and the Prisoners should, I think, be released.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3347, dated the 26th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 159, dated the 22nd instant, and to state in reply that, in compliance with your recommendation, the Lieutenant-Governor is pleased to remit the sentences of the Prisoners named in the margin, passed on insufficient evidence by Mr. Oliphant, Officiating Joint Magistrate of Nuddea, on a charge of malicious destruction of Indigo.

Nusseeram Ghose.
Kaloo Sheikh.
Sadoo Churn, and sixteen others.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 1081, dated the 7th July 1860.)

SIR,

I HAVE the honor to forward herewith copy of an application from the Officiating Magistrate of Pubna, dated the 30th ultimo, for the release of one Gopal Dutt, who is now undergoing a sentence of imprisonment in the Pubna Jail, for a breach of the provisions of the Indigo Act. The Officiating Magistrate's reason for recommending the release of the Petitioner is, that the case in which he was convicted, as well as all the others between his fellow-villagers and the Meerpore Factory, have been compromised.

2. I have examined the record of the case and find that the conviction is one for an attempt at intimidation, and that it has been arrived at under that portion of the 5th Section of Act XI. of 1860 which prescribes the penalty of fine and imprisonment on any person "who shall otherwise intimidate or attempt to intimidate any other person who shall have entered into any such agreement as that alluded to in the Act, with the intention of inducing such person to break the conditions thereof." The offence was punished by the Deputy Magistrate Moulvee Wasifoodeen on the 24th April last with six months' imprisonment, and a fine of Rupees 100, or three months' additional imprisonment and a fine in lieu of labor. The case does not appear to have been an aggravated one, and I would beg therefore to solicit the Lieutenant-Governor's sanction to the pardon and release of the Prisoner.

From A. J. BAINBRIDGE, ESQ., Officiating Joint Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 30th June 1860.)

SIR,

I HAVE the honor to forward a Petition for the release of one Gopal Dutt, imprisoned under the Indigo Act. The case, with all the others connected with it, has been compromised after the said Dutt's conviction. I promised to forward the application and do so accordingly.

2. I see no objection to the man's release, if you think fit and have the power.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3680, dated the 14th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 1081, dated the 7th instant, recommending, at the instance of the Officiating Magistrate of Pubna, the pardon and release of a Prisoner who is now undergoing a sentence of imprisonment in the Pubna Jail under a Penal Clause of the Indigo Act, on the ground that the case in which he was convicted has been compromised.

2. In reply, I am desired to state that Criminal cases, after sentence is passed, cannot be compromised, and that therefore the sentence of the Prisoner under notice cannot be interfered with, on the ground taken by the Officiating Magistrate.

3. But as the offence, according to your report, was not of an aggravated character, the punishment awarded would seem to have been unnecessarily severe, the Lieutenant-Governor is willing on that ground to act on your recommendation, and directs the release of the Prisoner.

No. XXXI.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 133Ct., dated the 15th May 1860.)

SIR,

I HAVE the honor to submit, for the perusal of the Lieutenant-Governor, the accompanying Statement in original, of a case for a breach of Contract tried and decided by Mr. Herschel, Officiating Magistrate under Act XI. of 1860.

2. In the propriety of that Officer's decision in dismissing the case I entirely concur, though I think he might have gone further and given damages against the Complainant under Section IV. of that Act.

3. My object, however, in submitting the record is, to afford the Lieutenant-Governor an opportunity of judging from actual facts of the system on which in this instance the Factory accounts appear to have been kept, of the manner in which the advances to a number of Ryots are asserted to have been conducted, and of the gross attempt to establish proof of their having been made, by the production of evidence, of the most weak and worthless description.

4. The name of the Factory is Beerpore, one of many forming the large Concern of Messrs. Hill and Co., whose general Manager is Mr. Forlong; and the Assistant in charge of this particular Factory is Mr. Saubolle, who appeared as the chief evidence for the prosecution.

5. The case now under notice is peculiar as it was brought up with apparently the most complete proofs which could be possibly required; there were the books of the Factory, written Kabooliuts with direct evidence to their preparation at the time of making the advances, and the payment of the advances; and every one of these proofs completely, entirely, and I may add disgracefully broke down.

6. I will not trespass on the Lieutenant-Governor's time by recapitulating the particular points of failure in each instance, but the Lieutenant-Governor will see from the record that the *Pattanjat* (on account of the advances paid to each Ryot) was never brought for Mr. Saubolle's signature by the Factory servants till the 1st March, though the advances were purported to have been paid on the 18th September.

The book itself was to all appearance as if it were only a week old, with clean edges, and unruffled red cloth cover, while the writing looked as if it had been written continuously, instead of the entries being jotted down opposite each name as payments were made. Lastly, the Daily Cash Book turned out to be no Daily Cash Book at all, payments nominally of 13th September not being entered till the month following.

7. With regard to the Kabooliuts, some are asserted to have been written by a hanger of the Factory, who had never written one before, some by a man, a mat-maker by trade, who happened to call at the Factory on that day, when he received a fresh order for more mats with 4 annas cash advance; and some by a person who went to the Factory to learn his busines as a writer. Both the last named persons admit having given evidence before, and one so frequently in both Civil and Criminal Courts that he cannot remember how often.

8. In addition to the exceeding incredibility of such evidence, the Lieutenant-Governor will observe that Mr. Herschel considers that the Kabooliuts bore internal evidence of their utter falseness, and I must say that I think he was fully justified in forming such a conclusion.))

9. If the Lieutenant-Governor see fit, I would respectfully beg that the original enclosure may be returned to me as soon as possible, with seven or eight printed copies, as I should like to send a copy to all Officers under my control, employed in trying Cases under Act XI., pointing out at the same time how necessary it is to follow Mr. Herschel's example in patiently and thoroughly sifting all the evidence which, in such cases, may be brought before them.

No. 315.

PROSECUTOR ... Gonesh Gangoolee, for Mr. Forlong, Beerpore Factory.

DEFENDANTS ... 315 Nowada Gopal Doss,
316 Poromananda Doss,
317 Ramtanu Mondol,
318 Sagar Chunder Mondol,
319 Ramjoy Doss Boidara,
320 Gungadhur Mondol,
321 Bolai Dass,
322 Madhub Tamkooree.
} Of Sarbaree.

NATURE OF COMPLAINT ... Breach of Contract under Act XI. of 1860.

PROCEEDINGS.

GONESH sworn before Mr. Mackenzie at Hadrah.

In Case 315.—On the 18th September 1859, (3rd Asin) the defendant, Nowada Gopal, took cash 8 annas, admitting a balance of Rupees 5-5. On this he agreed to sow 2-10 beegahs for five years, up to 1864. He now will not cultivate.

In Case 316.—Also *Poromananda* owed 3-1-3, and he took 4 Rupees, and agreed to sow 3½ beegahs for five years, as above.

In Case 317.—Also *Ramtanu Mondol* owed 3-12, and took cash 6 Rupees, on the same agreement, to sow 5 beegahs.

In Case 318.—Also *Sagar Chunder* owed 7-0-6, and took cash 5 Rupees. Agreed to sow 6 beegahs for five years. He has sown 5 beegahs in October, of which he has broken up 4 beegahs.

In Case 319.—Also *Ramjoy Doss Boidara* owed 10-8, and has taken cash 8 annas, agreeing to sow 11½ beegahs for five years. He sowed 3½ beegahs in October, of which he has broken up 3 beegahs.

In Case 320.—Also *Gungadhur Mondol* owed 8-12. He took cash 8 Rupees, and he agreed to sow 8½ beegahs. In October he sowed 8 beegahs, of which he afterwards broke up 6½ beegahs.

In Case 321.—Also *Bolai Doss* owed Rupees 5-15-6, and took cash 8 annas. He agreed to sow 3 beegahs for five years. He sowed it all in October, but has since broken up 2 beegahs.

In Case 322.—Also *Madhub Tamkooree* took cash 1 Rupee, on a balance of 9-1, and agreed to sow 4½ beegahs, which he has entirely broken up.

12*th May*.—These cases have been handed over to me by Mr. Mackenzie; and, the plaintiff and witnesses having been summoned, the case comes on to-day.

Plaintiff examined at Kishnaghur. By defendant's Mooktear. The Kabooliut was signed at Beerpore Factory. Some thirty or forty Kabooliuts were taken that day. I don't remember who wrote it without looking at the document itself. There was no Saheb there at the time. The Saheb does not know of the Kabooliut personally. The money was given thus:—"The Pattanjat was written, then the money was given, and then the Kabooliut was written. This was done in each man's case separately. The Gomashta, Hurro Chunder Ghose, paid

Case 315 being taken up.

the money himself. I wrote the Daily Cash Book, and I also wrote the Pattanjat. There were present myself, the Gomashta, another Mohurir, and the writer of the Kabooliut. We all sat inside the house of the Dufterkhannah. The papers of the Pattanjat were first written for the whole Village. The money was given to all at one time, *i. e.* into each man's hand, but after the former stages had been completed for them all. The Kabooliuts were signed after the Pattanjat; they then all took their money and departed, each as he got it. After the Kabooliut was signed the Gomashta made it over to me for record in the Office. Without looking at the Kabooliut I cannot say how Gopal signed, nor how the witnesses signed. The witnesses signed each Kabooliut as it was completed by the Ryot. The witnesses signed *in* the Dufterkhannah. The Stamp Paper was sent to me from Hadrah. I don't remember how many Stamps were received. We sent to give notice that Stamp Paper was wanted. Written agreements were taken from all whose terms had expired. We cannot buy Stamps at Beerpore; we have to send for them. The Sarbaree Ryots are neither our Izarahdaree nor our Zemindaree Ryots.

We were complained against for sowing Indigo by force, and the Ameens were fined, I believe. Looking at this Kabooliut (Nowada Gopal's), I see that it was written by Mohesh Ghose. He is not a servant of the Factory. Mohesh came that day, as he often does. He came for Oomedwarree. He lives at Chenga, some 2½ coss from Beerpore.

Looking at the Kabooliut of Râmtanu, I see that it was written by Tinu Sheikh. It was written in my presence. Tinu is not a servant. He is an Oomedwar and sometimes comes to the Factory in hopes of getting service. He also lives at Chenga, which is not one of our Villages.

Nowada being reported *non inventus* by the Nazir, the Case 316 is taken up against Ramtanu.

Khedu and Talib, the witnesses to the Kabooliut, are my Putnee Ryots.

The Ryots did not come to the Factory previous to the 3rd Asin, and after the conclusion of the last season. I mean generally. Individuals may have come.

The accounts are made up thus:—

The "Nilpater Khateau Kegaz" is first examined, to see how much leaf was given, and is compared with the Ryot's Hat Chitta, given him at the time when he delivered his leaf. Then the value of it is put to

his credit in his account in the Ledger. The balance is then struck, and if there be any Fazil (balance due to the Ryot), he receives it then and there, and the amount is entered in the Roekhur. If he is in balance it is entered in the *Pattanjat,* in which is also entered the cash he receives this year as an advance. Ramtanu received 6 Rupees in hard cash. The Factory books are not signed by any one. Harachundra Bose, the Gomashta is dead; he died in January.

By the Court.—All the defendants were under agreement before for a term of years; the same term for the whole of their Village. They gave a Kabooliut, which, on the expiry of the term, was returned to them, when, *viz.*, at the time of signing the new Kabooliut. There is a regular form of proceeding in giving the advances.

The Ryot, sitting down, first hear each his own account, and it is entered.

Question.—Is it entered then, or prepared beforehand?

Answer.—It is all prepared beforehand, and only read out then to the Ryots, who notify their consent.

Then the Pattanjat is produced, and the amount which each man is to receive is entered then, thus: Ramtanu was called up and told.—You owe Rupees 3-12-9. You will receive 6 Rupees, as you have to cultivate five beegahs. If Ramtanu has any objections to make, they are made then and heard then finally. Whatever amount is then settled on is then entered. I swear it is not entered before the Ryot has been heard. When the Pattanjat has been run through the total is added up. Then the Kabooliuts are signed, and the money paid, hand for hand, and the Ryot is dismissed. Till the Pattanjat was finished the Stamp Paper was blank. It was entirely written after the terms were agreed on.

The damages claimed are 10 Rupees a beegah, under the terms of the Kabooliut. Before the day on which the advances were given there was no notice given to the Ryot as to the number of years for which they would be called on to sign Kabooliuts. There was no reference made to the Saheb before entering into this agreement. There was no necessity for doing so. The Gomashta made the agreement on his own authority, granted by the Saheb, and the Saheb did not know that the last agreement had elapsed. After agreements have been made, we report them to the Saheb, but not before. I have been six years at the Factory, but cannot say what was the term of the last agreement with

the Ryot. The old Kabooliuts were in the Dufterkhannah. I remember distinctly giving them up to the Ryots that day.

By Defendant.—Have you in any case pending in Court recorded the fact of this Kabooliut having been given?

Answer.—No.

By Plaintiff. The Dufterkhannah is an open one. Mr. Saubolle took charge of Beerpore very shortly before the commencement of this season.

I produce the Pattanjat. I swear that I wrote the page now referred to, on the 18th September, in the manner above described. I wrote the whole of this book at one time. I did not prepare it beforehand, leaving out the entries as to cash. I produce the Daily Cash Book. I wrote this myself. (The first date it bears is the 1st of October 1859.) There is no other Daily Cash Book in the Factory. It was prepared on view of the Pattanjat. I have last year's Rockhur at home.

Question.—Was Ramtanu's advance of Rupees 6, paid on the 18th of September, entered in that book?

Answer.—No.

Question.—Then there is no Daily Cash Book at the Factory?

Answer.—None except this.

Question.—Then, as regards other expenses besides Indigo advances, how do you render your accounts to your employer? For instance the servants' pay?

Answer.—The servants' pay for September is entered in last year's Daily Cash Book. It is only the Indigo expenses that are not entered till the Indigo season begins.

Question.—Are the servants' pay for October entered in the book now before me?

Answer.—Yes.

Question. Then this is the actual Daily Cash Book of the Factory?

Answer.—Yes. I swear there is no other kept.

Question.—Why was not the payment of advances in September recorded in the month of September?

Answer.—It is the custom of the Factory. On examining the book it appears that all expenses incurred before the 1st of October, which are entered at all, are entered (with the date, Daiun, 18th September, for instance) on the 1st of October. No further such entries are found after the 1st.

By Plaintiff's Mookhtar.—The Indigo season begins on the 1st October and ends on the 30th of September.

By Defendant.—What was your cash in hand on the 1st of October?

Answer.—Nothing.

Question.—Then why is your first entry, on the jumma side, dated 13th September?

Answer.—On that date I received 92-4 from the Hadrah Factory.

The entry is, "From the Sudder Cash Account of Hadrah Factory, through Jadob Chunder Roy, Gomashtah, by Chalan, 13th September, 92-4-0."

Question.—Was it a cash remittance, or a balance in hand?

Answer.—It was a balance in hand.

Question.—Then what is the meaning of the entry at the foot of the day's accounts:—

"Receipts this day ...592-4-0.
Balance of last month *nil.*"?

Answer.—It is the custom of the Factory.

By the Court.—Why was the 13th of September chosen?

Answer.—The accounts date from that day, when they were settled.

Question by the Court.—Is 92-4-0 entered in the Sudder Hadrah Books as a disbursement?

Answer.— I suppose not.

Augustus Saubolle, sworn.—I am in charge of the Hadrah Concern. The Beerpore Factory is under me. I see the title of the Beerpore Pattanjat in English. I wrote that. I signed the whole book on the 1st of March to the best of my belief, and wrote the title that same day. I do not remember this particular book being sent in to the Hadrah Factory. I did not send for it. Being new in the Concern, I am obliged to rely largely on my Amlahs. I signed it as a Factory Book.

Tinu Sheikh wrote the Kabooliut.

Examined.—I wrote nearly fifty Kabooliuts. I think Khedu Nulloa also wrote, and Mohesh Ghose. We sat on one carpet. We wrote from a sample, the Mohurir dictating the sums.

We all wrote them that day. There were several copies for us to use, hand-written, not printed. I wrote them all clean off. There was no omission of spaces for filling in with cash or dates. I received no list from the Gomashtah of the names of the Ryots and the amounts, &c. I wrote entirely by dictation. The samples we used were on plain paper

Question.—Was there any other stamped Kabooliut produced of former dates?

Answer.—There were, which the Ryots took away with them. (This last statement is volunteered.)

Question and Answer.—On the Kabooliut being ready the money was paid and the agreement signed, in one act, in my presence. I have been for three years in the same situation regarding the Factory. I cannot say that I ever wrote Kabooliuts before this year. I was not called to the Factory that day. There was no talk of my having to bear witness to it afterwards. I was not told that the writing of the Kabooliut was a special matter, which I should have to attest afterwards. The writing began at sunrise and ended at twelve or one o'clock.

KHEDU NULLOOA witnessed the Kabooliut.

Examined.—I went to the Factory to settle about some mats I had provided and to receive orders about some more. I was told to take four annas and get some mats. I wrote several Kabooliuts that day. I cannot remember whether I had very much writing to do, or whether I only wrote one or two. I never before wrote Kabooliuts. I never was employed before to write at the Factory. I am not an Oomedwar, I only provide mats. I have no other reason for going to the Factory. I wrote that day because the Ryots and the Gomashtah told me to do so. I wrote the Kabooliuts at the verbal dictation of the Gomashtah, not preparing them beforehand. There were fifty or sixty Ryots there that day. I have been a witness before—I cannot possibly remember how many times—in both Fouzdarry and in Criminal Courts.

TALIB BISWAS witnessed this particular Kabooliut.

Examined.—Wrote several Kabooliuts also. I went to learn my business as a writer. I constantly write for the Factory. Have done so for the last three or four years. I never wrote a Kabooliut before. There have been no Kabooliuts written during the past few years. I don't know whether it has been the custom formerly to give Kabooliuts. I did see the old Kabooliuts given back, but I cannot say what they were or of what year. I have given evidence twice before. I will not say that I may not have done so oftener. If I am called up as a witness I come.

DEFENDANT RAMTANU, sworn.—I never signed this Kabooliut, nor did I ever receive a cash advance. The Planter has sown my land by force.

Examined.—All that was sown is still in existence. I left the Indigo crop in the ground, because, on application to this Court, I could not get an order to break it up.

Witnesses confirm the statement generally.

Not examined.

DECISION.

The evidence in this case is in form the most complete yet submitted to me. There is a perfect written agreement on stamped paper, setting forth that Rantanu has received six Rupees this year, on an agreement to cultivate Indigo for five years on five beegahs of land. The Kabooliut is supported by books purporting to be the Daily Cash Book and the Pattanjat of the Factory, in both of which the payment of cash on the 18th of September is recorded.

In weighing the evidence, the first thing that is to be observed is, that the real Plaintiff, Mr. Saubolle, appears, from the evidence and his own statement, to have had no knowledge whatever of the nature or of the existence of the contract. He was not aware of the fact that a long term agreement with the Ryots of a large village in one of his Factories had lapsed, nor was he ever told that it was renewed for five years. The Pattanjat, indeed, bears his signature; but he admits that this is no evidence of its correctness, and it certainly cannot be so, for it bears date 5½ months after the time when the page in evidence is supposed to have been written. I am safe, therefore, in saying that the evidence depends on Native evidence only, and must be judged as bearing no guarantee from the European in whose interest the case is preferred. In allowing it to be brought forward, Mr. Saubolle has trusted simply to the correctness of the statement of his Amlah; and from the statement which he makes as to the reason for his signing the Pattanjat at all, it may be inferred that he has not scrutinized his own case before bringing it up.

Of the documentary evidence the Kabooliut is of course the most important.

The man who wrote it is produced. He is a hanger-on of the Factory, and gives no satisfactory account of why he was employed to write this document. Though so long, for three years, a hanger-on, he was never so employed before, and the mere accident of his presence there that day does not explain why he, and not one of the regular Mohurirs, was employed on this the most important business of the day. Press of time cannot, I think, have been the reason. One

would naturally suppose that, when a large number of Ryots were to be assembled on a particular day to go through the ceremony of contracting to sow, the agreements, being all in one form, and all very long in their wording, would have been prepared, excepting individual details, a day or two before, and that the Factory Amlah would not have left the very heavy business of writing all the Kabooliuts out in the course of a forenoon, to the chance aid of Oomedwars. The Kabooliuts in this and the parallel cases which accompany it have been evidently written continuously; there has been no filling up of blank spaces. The witness says he wrote each document by dictation, on view of a skeleton form. When he came to the place where the figures stand he evidently wrote straight on. He had no note before him of the figures he had to fill in. He must, therefore, have asked the Gomashtah in each instance what to write. The Gomashtah could not possibly have been attending to him continuously, for he had two others to direct as well, besides his own writing to do, and all the Ryots to converse with too. I think no Mohurrir, under these circumstances, could resist the natural inclination to leave a blank space in the document, and to fill it up when he could catch the Gomashtah's eye and ask him the figures; but these Kabooliuts are one and all written in one even line, without any such break as might be looked for, if blank spaces had been left. Again the witness, I see, says he, wrote nearly fifty Kabooliuts. Supposing he only wrote twenty-five, he could not have got through the work in much less than five or six hours. Is it likely that the delay thus occasioned would have been submitted to by the Amlah for no apparent purpose? The Kabooliuts, too, were not commenced till after the Pattanjat had been completed, which must itself have occupied the best part of the morning, yet the whole ceremony was over shortly after noon. If the Kabooliuts had really been written that day, the ceremony could not have been finished much before evening; and it is to be observed that, no matter when the Kabooliuts were written, it is quite certain they were written straight on from end to end.

I next come to the witnesses. The first is *Khedu Nullooa*, who also wrote Kabooliuts. This man is a mat-maker, who went to the spot by sheer accident to receive orders about some mats, when he was appealed to by both Ryots and Gomashtah to write to the Kabooliuts. This might seem as if both parties chose an independent

witness. But, in the first place, independent witnesses were not sought for. Both the other witnesses are acknowledged to be Oomedwars. And secondly, if an independent witness was wanted, what becomes of Khedu's statement, that he cannot say how many times he has given evidence for the Factory in the Revenue and Criminal cases.

The next witness is *Talib Biswas*. This man also is an Oomedwar. The accounts of the cause of their presence, by the other two witnesses, being evidently doubtful, he avows that he is learning his business at the Factory, and was employed in consequence. He is a man of mature age, and has been hanging about the Factory for three or four years. He cannot say how much oftener than twice he has given evidence for the Factory. Now, am I really to put any faith in the words of three such witnesses, two of whom have rendered services to the Factory by bearing evidence in several cases in its favor, but who have not as yet received any ostensible reward for their support?

The evidence of these men, taken together with the uncertain and self-contradictory statement of the Gomashtah as to the order of proceedings, would alone have shaken my faith in the authenticity of this Kabooliut. But the Factory Books are brought in support of it, and must be examined.

The first is the Pattanjat, Mr. Saubolle's signature to which has already been shown to add nothing to its value. The sole evidence which gives any value at all to this book is the Plaintiff's (Gonesh's) oath, that he wrote it on the day in question. I cannot but say that the book does not look as if it were more than a week or two old. Its edges are perfectly clean, its binding of red cloth unruffled, there are no blue stains, such as all the books I have hitherto seen have, from being wrapped up in cloth that has had Indigo on it. The writing is that of a man who wrote steadily on from top to bottom of the page, and not that of a man who had to discuss the items as he wrote them. But for Mr. Saubolle's oath, that he signed it on the 1st of March, I would not have thought it so old as that. As it is, I cannot help asking why it was not sent up by the Beerpore Amlah for signature before that. If not signed at the time, why was it signed at all? If only for the future satisfaction of the Manager, why is not the Daily Cash Book signed? The last book, the back-bone of a contested case of cash payments, is alone such as must compel a dismissal of the case. It is not

a Daily Cash Book at all. From the evidence it appears that all Indigo expenses incurred during the month of September, on account of the season now current, were purposely omitted from what is called the Daily Cash Book, of that period, in order they might all be entered on the 1st of October, the first day of the new Indigo season, on the first page of the new Daily Cash Book. This is a custom which the Factory, or any house of business, has a perfect right to adopt if it be thought useful, but it destroys altogether the value of such books as evidence. A system of accounts, such as that which, if I am to believe Gonesh, exists in the Raepore Factory, is incompatible with that strictness of superintendence which alone could induce me to put any confidence in the statements of the Native Amlah, to whom apparently its sole management has been left.

In dismissing this case as against Ramtanu, I cannot but repeat my deep sorrow that such a result should ensue on a case to which, it might have been expected, the personal attention of the European Managers would have been given.

W. J. HERSCHEL.

The 12th May 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2535, dated the 16th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 133Ct., dated the 15th instant, submitting the original record in a case of breach of contract to sow Indigo, tried by the Magistrate of Nuddea under Act XI. of 1860, and in reply to inform you that, as this case throws light upon the system of Indigo planting, and demonstrates the necessity of patiently and thoroughly sifting the evidence in similar cases before pronouncing judgment, the Lieutenant-Governor approves of your proposal to furnish a copy of it to all the Officers in your Division, who are employed in trying cases under Act XI. of 1860.

2. This case is a forcible example of the necessity of bearing in mind the caution contained in my letter dated the 19th ultimo, No. 1838.

3. The original record submitted with your letter, together with the printed copies, are herewith forwarded to you.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 16, dated the 18th May 1860.)

SIR,

IN continuation of my letter No. 133Ct., dated 15th instant, I have the honor herewith to submit copy of a decision by Mr. Herschel, in a case for breach of contract, in which Mr. Herschel distinctly states that the Kabooliuts were forged.

2. This decision may be considered as supplementary to that forwarded with my letter referred to in the 1st paragraph, and if the Lieutenant-Governor has approved of my suggestion to have that printed, I think this should be printed with it also.

3. I can only again express my regret that after Mr. Herschel was so clearly convinced, as he appears to have been in this case, that the charge was false, he should have omitted to give damages under Section IV., and for no better reason than that Defendants omitted to ask for them.

GONESH GANGOOLEE, FOR MR. SAUBOLLE,

versus

SAGUR MONDOL.

Breach of Contract.

14TH MAY.—The evidence in this case is precisely similar to that decided yesterday. But the Mookhtar for Defendant asks leave to put in a piece of evidence, not recorded, with Ram Tarun's case, having been offered after the order had been passed.

It is an authenticated copy of the Stamp Vendor's Book, whence it appears that the stamp papers, on which the Kabooliuts in these two and the other parallel cases are written, are all of them bought second-hand, and from three different parties, who, so far as the Plaintiff's Mookhtar can explain, have no connection whatever with the Factory. It is quite clear that these Kabooliuts have all been forged, and that, to give them a greater appearance of truth, the stamps have been sought for from persons who bought them before the date, the 18th September, which they bear.

The Plaintiff's Mookhtar, who alone is present, and who would certainly not be at a loss for an explanation if there were one to give,

can only say that the case has been prepared in the Mofussil, and that he does not know their ways of doing things there.

If stamped Kabooliuts to the extent described had been taken, the Hadrah Factory would have sent in to the Stamp Vendor for them in a lump and not have purchased them second-hand.

The Plaintiff's Mooktear applies for leave to withdraw the case, but this I cannot allow.

The charge is too clearly false; and I dismiss this and all the parallel cases, casting the Plaintiff in all costs as well.

But I do not put the penal Section in force against the Plaintiff, solely because no application is made to me for the purpose.

In the next case of a similar kind that comes before me I shall put it in force without any application made.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2708, dated the 23rd May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 16, dated the 18th instant, submitting copy of a decision by Mr. Herschel, Officiating Magistrate of Nuddea, in a case of breach of contract, in which the Kabooliuts brought forward to support the charge were found to be forged.

2. The Lieutenant-Governor does not understand on what ground Mr. Herschel determined not to enforce the penal Section of the Act against the Plaintiff in this case, as he announced his intention to do in all other similar cases.

3. If possible the person responsible in this case should be put on his trial on the Criminal side, for endeavoring to support a false claim by a forgery.

4. Printed copies of the decision referred to in your 2nd paragraph have been already forwarded to you for circulation among the Officers in your Division empowered to try cases under Act XI. of 1860, and the accompanying ten printed copies of Mr. Herschel's present decision are also forwarded for the same purpose.

No. XXXII.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 124Ct., dated the 5th May 1860.)

Sir,

With reference to your letter No. 929, dated the 14th instant, I have the honor to submit herewith copy of a letter from the Officiating Magistrate of Nuddea, No. 124, dated 1st instant, together with that of its enclosure, from which it would appear that the evidence of Bishtoo Ghose is true in the main, and has been confirmed by other witnesses. Under the circumstance I think Bishtoo Ghose is entitled to the pardon which was conditionally promised to him.

From W. J. Herschel, Esq., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. 124, dated the 1st May 1860.)

Sir,

In reply to your letter No. 135Ct., of the 23rd ultimo, I have the honor to report that every effort to obtain trustworthy evidence in support of the enclosed deposition of Bishtoo Ghose has failed. The latter cannot tell from whom the letter was sent, or I would call on the writer to give evidence. There are several Europeans who might have written in from Sindooree, and I hardly think I am justified in putting them, one after the other, on their oath. If I can by any other means ascertain the writer of the letter, I shall call on him, and this is the only chance left of substantiating the case. I consider Bishtoo Ghose's evidence, as framed, partly to screen himself, but as in the main reliable. Witnesses named by Bishtoo Ghose have been called and examined; and as they confirmed the evidence against the Factory servants, I have put them on their defence; but I hardly expect a conviction.

Bishtoo Ghose sworn.

I was Jemadar of Bansberriah, under Mr. White. On the first day of the Ruth Jatra, or the day before, the Saheb William White, Chunder Biswas and Issur Mitter, and twelve or fourteen Lattials, at 3 P. M.,

went to Betna, saying they were going to Shikar. Afterwards, at 1½ or 3 o'clock in the night, it was said the Saheb had come back. I woke up and heard that the Saheb had brought a man in. I went to sleep again. In the morning I got up, and looking into the Press Room, I saw that the Neel Jemadar, Sunkur Dhole, was standing at the door on Guard. I asked why. He said, look yourself, *bhoge pooryache.* I looked into the Janala, and saw that in the house Seetul Turrufdar was sitting, and that he had two wounds on his head, one on each side. I went away. Seetul staid there that day. At 6 dunda sat Jamie, and Kanhai took charge of him on an Elephant, and the Saheb sent him to Chowgatcha Factory. Two days he staid there. Next night again he came back on the Elephant to Bansberriah, under charge of the same people. That night he was sent to Gacha Kootee by boat, where he staid three days. Thence to Lokenathpore Factory. Staying there one day, he went on to Sindooree Factory. About a month afterwards Jamie and Kanhai, who had gone in charge of the Prisoner, came back and said, "*Seetular karawa fursa hoiye giyache,*" and the Jemadar of Sindooree came to Bansberriah and said it was all over with Seetul. The Saheb gave him ten Rupees. This is what I know. The wound on the right of the head was a severe one; that on the left a slight one. Wounds were those of sticks. Nothing was done for them at Bansberriah. The Saheb gave the order for sending him away from the house I heard him do so myself. Chowgatcha is four or four and a half miles from Bansberriah. I don't know the name of the Jemadar of Sindooree. His face was wrapped up. He brought an English letter, which he gave to the Saheb when brought before him by the bearer. The Saheb asked what was the news of Seetul Turrufdar, and the Jemadar said it was all over with him. There were several of the Factory servants there at the time.

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2282, dated the 9th May 1860.)

Sir,

I am directed to acknowledge the receipt of your letter No. 124, dated the 1st instant, relative to the conditional pardon promised in Orders No. 929, dated the 14th of March last, to the Prisoner Bishtoo

Ghose, and in reply to state that the Lieutenant-Governor does not consider the report of the case of Seetul Turrufdar, received with your letter, to be at all satisfactory; and it is necessary that he should have before him a complete account of that case before he can pass a definite order of any sort in the matter.

2. The Lieutenant-Governor desires therefore that you will call for a full report of all that has been done in the case, with a copy of the evidence taken in full, which you will be so good as to translate and send to Government.

3. The evidence of Bishtoo Ghose, as an eye-witness, directly connects Mr. William White with the carrying off of Seetul Turrufdar; and, according to information he heard from others, the case, of which that carrying-off was a part, appears of a very black character; but the Lieutenant-Governor observes that no evidence is mentioned showing what the character of the case really was.

From H. BELL, Esq., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2420, dated the 14th May 1860.)

SIR,

IN continuation of my letter No. 2282, dated the 9th instant, I am directed to inform you that, in fulfilment of the promise of pardon held out to the Prisoner Bishtoo Ghose, the Lieutenant-Governor is now pleased to authorize release on his giving his Mochulka to appear and give evidence in the case of Seetul Turrufdar when required.

From H. BELL, Esq., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3190, dated the 16th June 1860.)

SIR,

I AM directed by the Lieutenant-Governor to request that you will expedite the submission of the Report on the case of the man Seetul Turrufdar, which was called for in my letter No. 2282, dated the 9th ultimo.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 162Ct., dated the 25th June 1860.)

SIR,

IN reply to your letter No. 3190, dated 16th June 1860, I regret to state that the information obtained from the Magistrate, in reply to the requisition contained in your letter No. 2282, dated 9th ultimo, was inadvertently overlooked in the Office; and that, when it came before me, only a few days ago, it appeared so deficient, as to compel me to send for the entire Proceedings.

2. My Report shall be submitted as quickly as possible.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 170Ct., dated the 5th July 1860.)

SIR,

I HAVE the honor of acknowledging the receipt of your letter No. 2282, dated 9th May, and with reference to the 2nd paragraph thereof, to submit, for the Lieutenant-Governor's information, a full report of the case of Seetul Turrufdar, together with a translation of the evidence in full, and of all the orders passed thereon subsequent to his forcible conveyance to the Hanskhally Factory.

2. The first intimation made to the Authorities of the kidnapping of Seetul Turrufdar was contained in a letter from the Moonsiff of Hanskhally, dated 23rd June, stating that the Villagers of Govindpore had been attacked when driving stray Cattle to the Pound; that one wounded person had been brought to him; and that the Villagers had assured him that Seetul Turrufdar had, at the time of the affray, been forcibly carried off to the Hanskhally Factory.

3. On receipt of this communication, the Mohurir of the Kotwally Thannah was ordered to hold a local enquiry; and on the 27th following, the Mohurir reported, after remarking on other points of the case, that he was unable to state positively whether the missing man had or had not been carried off, as alleged by the Prosecutors and their witnesses.

4. The case was then made over for trial to Deputy Magistrate Yatzad Hossein; and though the witnesses generally swore as distinctly

to the facts of the violent abduction of and assault on Seetul Turrufdar as to the other facts of the case, the Deputy Magistrate appears to have issued no orders for the search and production of the missing man; and the Defendants were punished by him for assault and rescue of the Cattle without any reference to what might then have been Seetul Turrufdar's actual condition. This decision was appealed to the Judge, who also took no notice of the missing Seetul Turrufdar, but, with some slight modification, confirmed the Proceedings of the Court below.

5. I would respectfully remark that, in my opinion, the Judicial Proceedings of both Courts were extremely irregular, inasmuch as they hastily disposed of the Defendants on the lesser charges of assault and forcible rescue of Cattle, while there was equal positive proof before them that the accused had also been guilty of forcible abduction of the missing Seetul, besides grave doubts as to whether, from his continued absence after the attack on him, the Defendants had not been guilty of culpable homicide or murder.

6. Nothing further seems to have been done regarding Seetul Turrufdar until the 13th September following, when an order was issued by the Magistrate on the Darogah of Hanskhally to make a strict search for him. The reason for this order will be found in the 14th paragraph of Mr. Officiating Commissioner Reid's letter No. 49, dated 9th September 1859, in reply to a communication from the Officiating Secretary to the Government of Bengal, calling the Commissioner's attention to the complaints which had been preferred to the Lieutenant-Governor on this and other cases in the Nuddea District.

7. On the 18th October, the Darogah of Hanskhally replied to the requisition of the 13th September, stating he had heard that the missing Seetul Turrufdar had been carried from Factory to Factory, that he had eventually died from the wounds at Mr. Meares' Factory; of Sindooree, in Jessore, but that people had gone to enquire.

8. On the 19th October orders were recorded that, on the receipt of further report, orders would be passed. On the 2nd November the Darogah was requested to expedite this report.

9. On 18th November, Darsun, brother of Seetul, presented a Petition to the Magistrate, to the effect that every search for Seetul had been fruitless, and that two of his relations had been to Sindooree, where they ascertained some particulars regarding his death.

10. The depositions of these persons were accordingly taken down; and I now beg the Lieutenant-Governor to refer to the enclosures, in which they will be found recorded at length, together with the orders passed in the case from that date, making up a complete history of the case up to the present time.

11. I greatly regret the very unsatisfactory condition of the case, and fear that, in consequence of want of vigor in taking it up in the first instance, and the length of time which has elapsed since it occurred, it will never be brought to a successful issue.

12. I would also notice, that the value of the evidence obtained, subsequent to the 13th September, is of a very doubtful character. However really truthful the testimony of Bishtoo Ghose may be, it will always be open to the suspicion that it was given from interested motives. Again, Oomesh Ghose is a brother of Bishtoo Ghose, and on bad terms with the Factory; and Prolad Ghose is, I believe, similarly situated. Under such circumstances, the depositions of neither of these witnesses will carry much weight in a Sessions trial.

13. The only courses which appear still open, are to offer a reward of Rupees 500, to be paid on the discovery of evidence leading to the conviction of the offenders, and that the Magistrate should himself take up the investigation made by the Darogah of Hanskhally when Bishtoo Ghose's evidence was made over to him, and endeavor, by a careful enquiry, to obtain more exact particulars from the people of Chowgatcha, who evidently know more about the case than the Darogah was able to collect from them. Perhaps some clue might be thus obtained which would lead to something, but I have very little hopes of any really satisfactory issue.

14. Mr. Herschel, I would add, is of the same opinion as to the ultimate end of the case.

Plaintiff, HADEE TURRUFDAR, on oath, deposes on 23rd November 1859.

ON the 9th of last Assar, on the North mât of Gobindpore, the Villagers were taking some Cows to the Pound because they had been destroying their crops. Seetul Turrufdar joined them on their way. Mr. Hampton, of the Hanskhally Factory, came in his carriage, accompanied by several other persons, who, according to the Saheb's order, gave Meyajan Sheikh a beating, seized Seetul Turrufdar, and rescued the Cows from them. In this case, which had been tried by the Khan

Bahadoor, some of the Defendants were punished. From that time I have not seen Seetul Turrufdar, though I have made searches for him. I have now and then heard that he is dead, and at other times that the Saheb has been moving him about to different Factories.

I heard, on the 15th of last Kartick, that Seetul Turrufdar was at the Factory of Sindooree, in Thannah Kaloopole, Zillah Jessore. I told this to the Hanskhally Darogah, who told me to go there and make search; so I and Mandaree Sheikh set out on the 20th idem, and arrived at Sindooree on the third day.

Mandaree placed me near the Factory, went to see Golam Hossein Khan, the Jemadar of the Factory, with whom he was formerly acquainted. After a few minutes they both came to me. I began to cry, and gave the Jemadar five Rupees. He said, why are you giving me these Rupees? I said, you are the Factory Jemadar; if any Prisoner has been brought here from Hanskhally tell me. The Jemadar said, last Srabun, Seetul came here from Hanskhally, and after remaining here for about ten or twelve days, died from the effects of the wounds he had received, and at night we threw him into the Nubbogunga River. He was wounded on the head and back. You better now go away; if the Saheb discovers that you are here, you will be killed. Having heard this I returned home, and went to tell this to the Darogah, but he was absent at Kishnaghur. I could not do so.

My uncle, Dursun Turrufdar, petitioned to the Magistrate at my request. When the Darogah came back to the Thannah I gave my *Izahar*.

Cross-examination, 23rd November 1859.

The Saheb of Hanskhally Factory had had some reason to be angry with his Gomashtah, Shomenath Gangooly, and had threatened to beat him, so he ran away and went to the Hanskhally Moonsiff's Nazir, and expressed to him that Seetul Turrufdar was at Sindooree Factory. The Nazir told me this, and I went after Shomenath Gangooly, whom I found at Kissengunge, and addressed thus:—You are going away, but you have not told me where my uncle is. Shomenath in reply said, that he is at the Sindooree Factory. At first I did not believe this statement, but subsequently I made up my mind to make a search, and informed the Darogah accordingly.

We did not stay at the Sindooree Factory, nor did we eat food there.

The age of the Sindooree Jemadar is about forty. He is a stout man of brunette complexion and has a black beard. I did not go to the Factory but remained about seven or eight *russees* from it; the Jemadar came to me there; whether the Saheb was in the *Factory or not* I cannot say.

MANDAREE SHEIKH, on oath, deposes on the 22nd November 1859.

LAST Assar I was not at home. I was at the village of Baturee. When I came home I heard that, as Seetul Turrufdar and other Ryots were taking some Cows to the Pound because they had been destroying their crops, Mr. Hampton, of the Hanskhally Factory, came with some coolies and carried away Seetul Turrufdar. I heard of this in Assar, since then no one has seen him. Now and then it is heard that he is dead, and at other times that he has been removed to different places. About ten or twelve days before the end of Kartick last, Hadee Turrufdar asked me whether I know where Sindooree is, and said you must accompany me to the Sindooree Factory in order to make a search for Seetul. To this I consented. The next morning both of us started, and on the third day reached the Factory. I left Hadee near the Factory, and proceeded towards it. On my way I met with Golam Hossein Khan, Jemadar of the Factory, who is an old acquaintance of mine, and said to him that there is some one calling you. We then both came to Hadee who began to cry, and having paid five Rupees to the Jemadar enquired if any person by name Seetul had been brought here from Hanskhally. The Jemadar said in reply that in Srabun last, Seetul Turrufdar had been brought here wounded from Hanskhally, and that he died here from the effects of the wounds after a stay of ten or twelve days. His corpse was thrown into the Nubbogunga River. You better now leave this place, for if the fact of your being here transpires, you will not be able to go away and will be murdered. On hearing this we left the place.

Cross-examination, 22nd November 1859.

I DO not remember the date of death, nor the date on which I heard of it.

The Jemadar had a beard. He is a stout man of light-brown color.

ORDERS.—"Ordered on the 22nd November 1859, that a Roobookarree be sent to the Magistrate of Jessore, requesting him to make every possible enquiry and search for the missing man."

"Ordered also, on the 21st December 1859, that a Perwannah be sent to the Kutwallee Darogah ordering him to make a *tadaruck*."

Accordingly the Magistrate of Jessore *tullubed* in the Jemadar of Sindooree Factory, and after taking his deposition with regard to the missing man on the 10th January 1860, forwarded it to the Magistrate of Nuddea. The deposition is as follows:—

I know nothing about Seetul Turrufdar. No wounded man has been brought to the Sindooree Factory nor died there.

The Darogah made a *tadaruck* as was ordered; but he had a conversation with the Magistrate on the subject, and so no written Report is filed of his proceedings, except one, saying that one Bishtoo Ghose knows all about it, and that he had sent him in to give his evidence.

BISHTOO GHOSE appeared before the Magistrate on the 29th March 1860, and stated on oath—

I WAS Mr. White's Jemadar at the Bansberriah Factory. About the 9th or 10th of last Assar, *i. e.*, on the 1st Ruth or the day before, Mr. William White and Chunder Biswas and Isser Mitter, and twelve or fourteen Lattials, went, as they said, in a hunting excursion to the field of Betna at about 3 P. M. Afterwards at 1 or 2 A. M., the Saheb returned to the Factory. I awoke on account of the noise, and heard that the Saheb had brought some one to the Factory. I then again went to sleep. The next morning I went to the godown and saw that Sunker Dobey, the Jemadar, was keeping guard there. I asked him what is the matter Dobey Thakoor. He answered, see into what scrape I have fallen. On this I opened a small window and saw Seetul Turrufdar sitting there and his head was injured on the right and left sides. On seeing this I did not say anything but went away. Seetul stopped there for that day, and at about 9. P. M. he was sent on an Elephant to Chowgatcha Factory in charge of Kanye and Jamer Sheikh. He remained there for two days, and was then brought back in like manner to Bansberriah at night. The next night he was sent in a boat to Gatch Factory, whence after three days' stay he was sent to Lokenathpore, where he remained one day, after which he was sent to

Sindooree Factory. After a lapse of one month the two men, Kanye and Jamer Sheikh, who were in charge of Seetul, returned to the Bansberriah Factory and said that Seetul has died. Afterwards the Jemadar of the Sindooree Factory came to my Saheb and said that Seetul has died. The Saheb on hearing this news paid the Jemadar a reward of ten Rupees.

Cross-examination, 30th March 1860.

Question.—On the day on which Seetul Turrufdar was at the Bansberriah Factory, was there any other Saheb besides Mr. William White?

Answer.—No, there was no one else. The Burra Saheb was in Calcutta.

Question.—What description of wounds had Seetul Turrufdar on his head?

Answer.—On the right side of his head he was severely wounded, and on the left only slightly.

Question.—With what instrument was he wounded?

Answer.—With a Lattie.

Question.—Was Seetul under any Medical treatment for his wounds?

Answer.—At Bansberriah he was under no Medical treatment.

Question.—Did the Saheb himself send him to Chowgatcha?

Answer.—The Saheb was in his room whence he gave the orders in my presence. Chowgatcha is about two or two and a quarter coss distant from Bansberriah. The Saheb was in his room when Seetul was put on the Elephant.

Question.—What is the Sindooree Jemadar's name, and how was the news brought?

Answer.—I don't know his name. The news was communicated by an English letter. The Jemadar having made over the letter, said to the Saheb it had been brought to an end. On this the Saheb bade us away and talked with the Jemadar, who, on his arrival with the letter, requested the Sirdar Bearer to intimate to his Saheb of it. The Bearer

did so, and the Saheb called in the Jemadar, who, with the Bearer, went to him and delivered up the letter. The Saheb then asked him how is Seetul? The Jemadar answered his doings had been brought to an end. On this the Saheb ordered us to be off.

ORDERS.—Ordered on the 30th March 1860, that a copy of Bishtoo Ghose's evidence be sent to the Darogah of Hanskhally, and that he should make further investigation in the matter.

Accordingly the Darogah and a Burkundauz went to the Factories of Bansberriah, Gatcha, and Chowgatcha, and made enquiries.

The Villagers of Chowgatcha told him that they heard that Seetul Turrufdar had been wounded by the Bansberriah Saheb's people, and had been sent away on an Elephant.

He also sent for Oomesh Ghose and Prollad Ghose from Bansberriah, and on questioning them, they told him that after Seetul had been wounded, they saw him with their own eyes in Chowgatcha Factory. So he sent them in to the Magistrate to have their depositions taken.

OOMESH CHUNDER GHOSE deposes on the 13th April 1860—

ON the 9th or 10th of Assar I went to Gachapooleapore to collect rents on behalf of Mr. William White. After a day or two Gatcha Factory Gomashtah, Isser Sircar, sent for me and Prollad Ghose. We accordingly went to him, and at his request accompanied him in

the morning to Gatcha Factory, where we saw Jamer of Rughoonathpore, and Kanye Sheikh sitting in the verandah of a house belonging to the Kootee. They, in answer to our question, said that Chunder Biswas, Dewan of Mr. William White, having seized Seetul Turrufdar of Gobindpore, has kept him in this house under our charge. Having heard these words the Gomashtah opened the door, and we saw Seetul with wounds on two sides of his head sitting there. We were then sent away by Isser Mitter. Three or four days after that, in the evening, William White Saheb and Chunder Biswas came on an Elephant from Bansberriah to the Gatcha Kootee, on which all the people were sent away, and we accordingly went into the Gatcha Village.

Afterwards, about 7 o'clock, when the Saheb and the Dewan returned on Horse-back, I had an interview with the Dewan (*i. e.* the Gatcha Kootee Dewan,) who said that he has just sent off Seetul on an Elephant to Lokenathpore. About a month after that Jamer and Kanye returned to Bansberriah and gave out that Seetul had died at Sindooree.

Cross-examination, 14th April 1860.

Bishtoo Ghose is my brother. The Goalahs of Kishtopore petitioned against the Saheb with a view not to sow Indigo.

Prollad Ghose deposes on oath, on the 13th April 1860—

On the 9th or 10th Assar last Bishtoo Ghose sent me and Oomesh Ghose to Gachapooleapore to collect rents. Two days after our arrival there we saw Kanye and Jamer Burkundauzes sitting in a room, who in reply to the question put by the Gomashtah, Isser Sircar, Oomesh and myself, stated that they are brought to some scrape. We then asked them what it is. They said that they are in charge of Seetul Turrufdar, of Hankshally, who has been brought here by the Saheb. Having heard this, Isser Sircar opened the door and we saw Seetul with two wounds on his head sitting against the wall, when Isser Mitter, Gomashtah, sent us away. Two or three days after that, in the evening, William Saheb and Chunder Biswas came on an Elephant to the Gatcha Kootee, and returned on horse-back at about 8 or 9 p. m. The Dewan* who was following them, on being asked said that he has just sent off

* Very likely the Dewan of the Gatcha Factory.

Seetul to the Lokenathpore Factory. You must not express this to any body. About a month after when Jamer and Kanye came back, I learnt from them that Seetul had died at Sindooree.

KANYE SHEIKH deposes on the 20th April 1860.

IN his defence stated I did not carry away or kidnap Seetul Turrufdar, nor do I know anything about it. I am at a loss to know why I am implicated in the matter. I was sick during the whole of the month of Bhadoor and was at home. Joomar Shodae and Soleem Sheikh are my witnesses.

JAMER SHEIKH deposes on the 4th May 1860.

STATED I did not carry away or kidnap Seetul Turrufdar, nor do I know anything about it. I am at a loss to know why my name is on the category of Defendants. I do not know Seetul Turrufdar and have no witnesses.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3735, dated the 18th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 170, dated the 5th instant, submitting a full report on the case of abduction of Seetul Turrufdar by the servants of the Hanskhally Indigo Factory.

2. The want of prompt action on the part of Mr. F. R. Cockerell, then Magistrate of Nuddea, in the treatment of this case at the commencement, is greatly to be deplored, and the whole management of the case reflects no credit on any of the Officers concerned in the earlier part of the proceedings.

3. The Native Deputy Magistrate, Moulvie Yatzad Hossein, who tried the case of assault on the Ryots of Govindpore, in which Seetul Turrufdar was wounded and kidnapped, appears to have been very seriously to blame for not having taken any action upon the abduction, although, as you state, several witnesses before him swore as distinctly to the fact of the abduction as to the other facts of the case, on which he did pass judgment. You will have the goodness to call on the Deputy Magistrate to submit an explanation of his conduct in having

neglected so obvious a duty. In submitting the Deputy Magistrate's explanation, the Magistrate will report his opinion of this Officer's fitness for the exercise of Police powers.

4. It is impossible to review this case without being impressed with the belief that for a considerable time after the occurrence of the crime, an obvious duty was shirked, either for some special reason, or because the offence of kidnapping was thought generally by the District Officers to be one which Magisterial and Police Authorities should disregard. If the case had not accidentally come to the notice of Government, notwithstanding the complaint of the relatives of the missing man, it would never have been heard of, or really enquired into to this day.

5. The Lieutenant-Governor authorizes you to act on the suggestion contained in your 13th paragraph. All proper measures should be taken likely to elicit evidence that will bring the case to such an issue as will satisfy the ends of public justice.

6. Though the guilt of the individuals, implicated by such evidence as there is, may depend upon depositions which, unsupported, may be insufficient to secure a conviction, there can hardly be any moral doubt that Seetul Turrufdar was wounded in the course of an unlawful assault; that he was carried off and concealed; that he received no medical advice; that he died either from the necessary effects of his wound, or from the aggravation of those effects by the treatment he was subjected to after he was wounded; and that his corpse has been clandestinely disposed of. Such a case must not be dropped, whilst a possibility of obtaining sufficient reliable evidence to settle legally all doubts regarding it remains.

No. 3859.

Copy of the above correspondence forwarded to Mr. F. R. Cockerell, late Magistrate of Nuddea, for information.

No. XXXIII.

From Browne Wood, Esq., Officiating Deputy Commissioner, Sonthal Pergunnahs, in charge of the Sub-Division of Jungypore, to the Secretary to the Government of Bengal,—(No. 97, dated the 5th May 1860.)

Sir,

In accordance to instructions received in your Telegram of the 10th ultimo, I have now the honor to forward, for the information of His Honor the Lieutenant-Governor of Bengal, a Report relative to the attack on Mr. Lyon's Factory of Bunnyagaon on the 21st March last, having completed my enquiry on the 21st ultimo, and committed twenty-four of the principal assailants for trial before Mr. Yule as Sessions Judge.

2. From the Reports of the Shumsheregunge Thannah Darogah to the Magistrate of Moorshedabad, it would appear that there was considerable discontent and excitement among the Ryots of certain Villages in the vicinity of Ancoorah Indigo Factory belonging to Mr. David Andrew, in consequence of various alleged acts of oppression on the part of one Tuffezul Hossein Meer, Gomashtah of that Factory, ending in the Meer's being severely beaten on the 23rd February last by a large body of Ryots.

3. On the 27th February last, Baboo Shrees Chunder Vidyarutton, Deputy Magistrate, was deputed by the Magistrate of Moorshedabad to inquire into and report upon the causes which led to the attack on Tuffezul Hossein Meer and the Ancoorah Factory. That Officer arrived on the spot on the 29th idem. He took down the statements of several of the Police* and also of the Ryots,† and directed that the wounded Gomashtah Meer Tuffezul Hossein and his witnesses be brought before him on the 2nd March last. The Meer was away at the time at Jungypore, having been sent there for Medical treatment. It does not appear in the proceedings, but I learn from the Shumsheregunge and Sootee Darogahs that one Latoo Baboo, who holds a general Power of Attorney from Mr. David Andrew, and who had come from Moorshedabad to watch proceedings on behalf of Ancoorah Factory Officials, was desirous

* As to the attack on the Ancoorah Factory.

† Who had brought counter-charges of zoolum and extortion against the Officials of the Ancoorah Factory.

of compromising the charge of attacking the Ancoorah Factory and severe beating and wounding of Meer Tuffezul Hossein, provided the Ryots should also agree to drop all further proceedings of oppression and zoolum which they had brought against the said Meer, also that they, the Ryots, should return to their Indigo cultivation as formerly. The Ryots having agreed to drop their charges against the Meer and the Factory servants, the Deputy Magistrate took razeenamas from both parties on the 3rd March last, and left same day for Moorshedabad. On arrival there he reported what he had done, and applied for the Joint Magistrate's sanction for the razeenamas to be complied with and proceedings on both sides to be dropped. The Joint Magistrate forwarded proceedings to the Magistrate of Moorshedabad, by whom the razeenamas were accepted and sanctioned.

4. The razeenama given in by the Ryots however is signed by only five men, and these the principals accused of having been concerned in the attack on Ancoorah Factory, and the wounding of the Gomashtah Meer Tuffezul Hossein; these men were probably well pleased to be free of the serious charge against them, therefore filed the razeenama.

5. After the Deputy Magistrate's departure it would appear that Mr. McLeod called upon the Ryots to return to their Indigo cultivation as formerly; they demurred until they knew how much land for Indigo would be required of them; Mr. McLeod told them he wanted the same quantity as has been cultivated in Mr. Masseyk's time, *viz.*, 2,200 beegahs for the Ancoorah Factory. Ryots would not agree to give more than 1,800 beegahs, consequence was neither party would give in to the other, and as the Ryots considered themselves the aggrieved party, and had had no redress given them in any one of the numerous complaints brought before the Deputy Magistrate by them, and seeing that they were still called upon to cultivate Indigo as formerly, they became more irritated than ever, and more determined to get rid of Indigo altogether. Meetings were now held, and it was determined at such that they would not cultivate Indigo; if pressed to do by the Factory people they would resist; collections were made, and a combination formed calling upon all Ryots to join the league against cultivation of Indigo; oaths were subscribed, and the residents of each Village called upon to assist any neighbouring Village in case the Planters' people molested them in any way. Signals were given and made, and Villa-

gers met by beat of dunkas and tom-toms, armed and prepared to take the law into their own hands whenever they had the opportunity.

6. Matters rapidly got from bad to worse, in consequence of no Official being on the spot to check these irregular proceedings of the Ryots, and at the instigation of the five men who had given in the razeenama to the Deputy Magistrate, and who had probably been charged by the Ryots with having first got them into trouble, and afterwards deserting their cause, it was determined to get rid of the Planters in detail, and knowing Mr. Lyon to be a determined man, they thought if they could succeed in getting rid of him, the remaining Factories could easily be dealt with. Some of the Ryots on this side joined others on the Malda side of the Ganges and attacked the Bukkrabad Factory belonging to Mr. David Andrew on the evening of the 20th, and sacked that Factory next morning.

7. On the 20th March last arrangements were made to attack the Bunnyagaon Factory. Early next morning dunkas were beaten and crowds of armed men assembled the same night at Dhoolean and Kasseemnuggur, the former about five, and the latter about three-fourths of a mile from the Bunnyagaon Factory, residence of Mr. P. C. Lyon. About half past 7 o'clock A. M. of the 21st, the rioters armed with all kinds of weapons proceeded in two bodies towards the Factory, the Kasseemnuggur people* attacking from the West, and the Dhoolean party† from the South. Mr. Lyon seeing that he was about to be attacked on West and South, determined to take the Western attacking party first, and when they came within 120 to 130 yards of the Factory he fired two shots amidst the crowd; one man was wounded and fell, he was taken away by his comrades, and the party on the West then scattered, some went away altogether, others joined the party on the South. This check allowed Mr. Lyon time to proceed to the bank of the Ganges and hail a Steamer,‡ which was coming down luckily at the time, for assistance. The Steamer stopped at once, and anchored off the Factory. Mr. Lyon was about returning to his Bungalow when the mob came down upon him with yells and shouts, and being in real danger of his life, he fired two more shots among the crowd; these not checking them, he fired several other shots, his Burkundazes assisting him to repel the attack of the assailants; the latter seeing four gentlemen landing from the

Stated to be
* from 1,500 to 2,000.
† From 5 to 6,000.

‡ The *Pioneer*.

although the Police were well aware that they, the Ryots, were proceeding to that Factory with the express intent of attacking it. The excuses given by the Shumsheregunge Darogah, and those of Sootee and Kamra, for not at once proceeding to assist the Furka Pharee Mohurrir are frivolous in the extreme, and the fact of these Darogahs and their Subordinates being cited as witnesses by those charged with having been concerned in this serious outrage to prove their innocence, confirms me in the belief that the Ryots would never have gone to the length they have gone had they not depended, if not on the co-operation of the Police, certainly on their non-interference. I would also beg to draw your attention to the very unsatisfactory and prevaricating evidence given before me by the Police and the whole of the Village Chowkeedars with one or two exceptions, and the evident wish they showed to screen the guilty parties.

7. "Should you after trial of this case coincide in opinion with me that the Police are deserving of punishment for the gross and wilfully criminal neglect shown by them, I will take the necessary steps in communication with the Magistrate of this Division to bring the guilty parties to punishment."

10. Where the whole population in this neighbourhood, all classes without exception, whether Indigo Ryots or not, were of one mind, and more or less implicated in this outrage, and aided as the people were by Zemindars and their Agents, by the Police and Village Chowkeedars, it was most difficult to elicit any evidence against the perpetrators of this daring and riotous attack on the Bunnyagaon Factory. After much trouble and patient enquiry I have succeeded in convicting twenty-four of the principal perpetrators and instigators in this case; this number may appear small when it is taken into consideration the vast numbers who were concerned in the attack. I cared however only to secure the principal men, and think that, with the exception of a few against whom there was not sufficient evidence to convict, I have succeeded in securing almost all the principal men, and although the evidence against a few of those committed to the Sessions is somewhat weak, I have every hope that the real heads of this riotous outrage will meet with exemplary punishment.

11. I am now engaged in enquiring into the Ancoorah Factory case, and into the complaints of the Ryots against that Factory. These will

form the subject of a separate Report. In conclusion I would apologize for the delay in the despatch of this Report. I would respectfully submit that my whole time has been fully taken up in many and pressing duties, and I have had to complete this Report as opportunities offered.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to BROWNE WOOD, ESQ., in temporary charge of the Sub-Division of Jungypore, —(No. 2281, dated the 9th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 97, dated the 5th instant, reporting upon the attack which was made on the 21st of March last on Mr. Lyon's Factory of Bunnyagaon, and in reply to state that orders on the whole subject will be passed when the case is complete.

2. The Lieutenant-Governor however takes this opportunity of expressing the great satisfaction with which he has observed your active and intelligent exertions throughout this affair.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Rajshahye Division,—(No. 2280, dated the 9th May 1860.)

SIR,

I AM directed to forward for your information the accompanying copy of a letter* from Mr. Browne Wood, in temporary charge of the Jungypore Sub-Division, reporting upon the attack which was made on the 21st of March last, on Mr. Lyon's Factory of Bunnyagaon, together with a copy of the reply of this day's date.

* No. 97, dated 5th instant.

2. The Lieutenant-Governor desires me to observe that if the Magistrate of the District and yourself concur in Mr. Wood's opinion of the general misconduct of the Police of the Sub-Division, the proper course in such a gross case will be to dismiss every man in the Department from the Darogah downwards, both in the Thannah of Shumsheregunge and the Pharee of Furka, if the general charge is equally applicable to both.

From G. U. YULE, Esq., Sessions Judge of Moorshedabad, to the Secretary to the Government of Bengal,—(No. 2, dated the 18th May 1860.)

SIR,

I HAVE the honor to forward, for the Lieutenant-Governor's consideration, copy of a portion of my remarks on the trial of the rioters who attacked Bunnyagaon Factory on the 21st March last.

I submit these remarks :—

1*st.*—Because it seems to me that while these rioters have been justly punished for the said attack, justice has not been done to them and their fellow peasantry in other respects, inasmuch as their grievances were not enquired into and redressed when made known both in the regular way and by their own irregular attempts at redress, and these attempts continuing unpunished and unchecked by the adoption of any measures on the part of the Authorities except sending out Police with the view of repression merely for which they were incompetent led the Ryots far beyond the limits of their original object and greatly increased the original area of disturbance until the result was the attack on Bunnyagaon, and its consequences. I have not the means here of ascertaining upon whom the blame should rest, even if such an enquiry came within the scope of my duty as Sessions Judge for the trial of this case, and I can therefore only bring the circumstances generally to the notice of the Lieutenant-Governor.

2*ndly.* I earnestly recommend that orders be issued prohibiting further enquiry after and prosecution of persons supposed to have taken part in the Bunnyagaon attack; all the leaders, with one or two exceptions, have been tried, there is no good evidence against these exceptions on the small fry, and keeping the case open can only I think do harm. Mr. Wood has quietly dropped proceedings pending orders.

3*rdly.* The Prisoners convicted on the trial have been sent to the Zillah Jail near Moorshedabad which is notoriously unhealthy; they have begged me to get them transferred to Rajmehal. This I do not think advisable at present, though it might hereafter be done; but I earnestly beg the Lieutenant-Governor to have them transferred at once to the Rajshahye or Maldah Jail, however guilty they have been, and I do not palliate their guilt; they too have been sinned against.

P. S.—A copy of my remarks on the Police, not given in the Extracts herewith enclosed, has been sent to the Commissioner of Rajshahye.

Extract from the Abstract Statement of Prisoners punished, without reference to the Nizamut Adawlut, by G. U. Yule, Esq., vested with the powers of Sessions Judge, in Zillah Moorshedabad, at the Jail Delivery for the month of April 1860.

A FEELING strongly adverse to Indigo had arisen among the Ryots who cultivated the Plant for the Ancoorah Factory, belonging to the Aurungabad Concern, the property of Mr. D. Andrew. On the 23rd February last the Gomashtah of Ancoorah was assulted and very severely beaten. Next day the Ryots proceeded in great numbers to Kalapanee (see copies of Reports annexed,) an adjoining Factory of the same Concern, the Assistant in charge receiving timely notice from and aided by the Darogah of Sootee made his escape with his family, and the assailants learning this made no attempt to injure the Factory or its servants. A Deputy Magistrate was sent from Moorshedabad to enquire into the Ancoorah case. He arrived on the spot on the 29th February and left on the 3rd March, contenting himself with having taken from the Mookhtar of the Concern on one side and three of the principal Ryots (Prisoners 10, 11 and 13 of this trial,) on the other, a razeenamah (copy filed) which contained no settlement whatever of the matters in dispute and no provision for effecting a settlement. The Ryots were irritated and encouraged by this proceeding; the oppressions which they complained of were not enquired into, and the violence, the result of these oppressions, was unpunished. The excitement spread among the Ryots of other Indigo Concerns. They entered into a Dhurmghot or combination under religious sanction not to cultivate Indigo. They raised contributions to defray the costs which might be incurred by their refusal to cultivate. They established signals by the beating of drums to enable themselves to assemble quickly at any given spot. Darogahs, Jemadars and Burkundauzes were sent to the Thannah where this was going on, but they were helpless, large assemblies of Ryots took place at night on the drum signal being given, and sometimes even in the day-time large bodies of men would assemble and proceed to this or that Village on pretence of defending it from an attack by the Factory. The Police, however, reported constantly and in strong and urgent terms the state of affairs, plainly stating in a Report of the 11th March that a serious affray with murder would occur. Had any enquiry been instituted even then by a competent Officer, matters would have been settled, but there was no Officer in the Sub-Division

and no enquiry was made. More Police were ordered out, but from the 14th March none of the Police Reports appear to have been noticed until the 26th idem. The Ryots got worse and worse, the infection spread to the Villages of Mr. Lyon's Bunnyagaon Factory and about five miles from Ancoorah, and on the 19th drums were there heard by night answering each other from the Villages all round. On the 18th Mr. Ward, Assistant Commissioner, Rajmehal, (witness No. 51 of this trial,) having obtained a letter sent in to his jurisdiction warning the Ryots not to cultivate Indigo and desiring them to subscribe, proceeded to arrest the writer thereof whom he ascertained to be one Itwaree, of Andooa near Bunnyagaon, which he did with the aid of the Moonshee of the Police Station, called indifferently Hazarpoora or Furka, and talking with the Ryots about Andooa they asked him to try and effect a settlement of their alleged grievances with the Messrs. Lyons in the same way as he had lately done in a Concern within his own jurisdiction. A large body of Ryots accordingly met him on the afternoon of the 19th March at Seerampore near Bunnyagaon, but after much talk he found he could do nothing and retired. During the day he had written at Messrs. Lyons' request to one Morad Biswas, a very influential person and a Prisoner in this case, requesting him to come and have a talk. The Burkundaz sent with this letter brought it back the same night, saying he had been unable to find Morad Biswas. (The importance of this apparently trifling matter will be seen hereafter.) Mr. Wood left Bunnyagaon next morning, *viz.* on the 20th, and that evening the Bukkrabad Factory belonging to Aurungabad, and situated across the Ganges, about nine miles from Bunnyagaon, was attacked and plundered by a large body of Ryots, some of whom are believed to come from this side (see document named in the margin.) Very early on the morning of the next day Mr. Wood's Prisoner Itwaree, while being forwarded on an Elephant (the man is cripple of both legs,) was forcibly carried off between Bunnyagaon and Rajmehal by a body of about 100 Ryots armed with Latties, Swords and Shields. That same morning between seven and eight, Mr. P. C. Lyon of Bunnyagaon, who from the drums and shouts of a large body of men in a Village close to his Factory, had expected an attack during the night, was told by his servants that masses of people were approaching from three sides towards his house, which is situated on the West bank of the Ganges and close to the main

Copy of the Roobookarree of the Magistrate of Malda, dated 27th April 1860.

stream. Two large bodies came on, one said to consist of some 2 or 3,000 men from the West, the other of 3 or 4,000 along the bank of the River from the South; all the people armed, chiefly with Latties, some with Swords and all shouting and exciting each other. Mr. Lyon warned by the occurrences at Ancoorah and Kalapance, and aware of the bad feeling which had got among the Ryots and of the utter helplessness of the Police, had prepared for an attack. He had fifty or sixty Up-country men in his Factory, and his Guns all loaded. Fearing that he would be attacked by both parties at once he went to the West side, the body from which quarter had already begun to enter his Dufterkhanna and servants' houses and was very little more than 100 yards from his house, and into this body he fired two shots, one of which hit in the leg a barber, who probably had come to look on merely from curiosity. The rioters dispersed, a large portion of them taking a circuit joined the South body, which steadily advanced. Mr. Lyon went to the River bank to hail a Steamer coming down, having done this and seeing that the rioters might cut him off from the house where, most of his servants were he began to retire towards it; the crowd made a rush at him, he turned and fired four shots from his Guns and several from his Revolver. His Jemadar, Gokool Sing, and one or two Burkundauzes went with drawn Swords at the leaders and cut two of them down, and at the same moment three Officers from the Steamer well armed and a Boat's Crew appearing on the top of the River bank close by, the rioters retreated, leaving one man Shami Shaik dead from Sword cuts and another (Babooram Chusoit) so severely wounded by a Gun-shot that he died afterwards on the way to Berhampore. The Steamer then went its way, leaving two Officers to assist Mr. Lyon in case of another attack, and intending to return at night and anchor off the Factory. Soon after her leaving, the South body which had remained about a mile from the Factory was seen to advance again with apparently a great increase in its numbers. The three Darogahs with Jemadar and Burkundauzes had by this time arrived on the ground, the Hazarpoora Moonshee who had passed the night in the Meertollah Village, 600 yards from the Factory with a large body of Ryots, had sent notice to the Darogahs of this assemblage, and of his fear that the Factory would be attacked, which notice they received at midnight at the Shumsheregunge Thannah, not six miles from Meertollah or Bunnyagoan, and they sent a Jemadar and twelve Burkundauzes, most of whom were too late, not

themselves proceeding to the spot till about 9 A. M. The rioters advanced to about 800 yards from the house and there stopped alarmed, probably by the appearance of another Steamer which providentially came down, and anchoring a little ahead of the assemblage between it and the house supplied Mr. Lyon with muskets and ammunition. The Darogahs too gained a little courage, and remaining themselves on horseback at some distance of, sent a plucky Jemadar, Mahomed Ibrahim, to remonstrate with the crowd, which he did; but as he himself allows his remonstrances would have been of little use unbacked by the Steamer. The rioters then finally retreated and dispersed. The Police proceeded to collect the dead and wounded, two of the former and five of the latter, one since dead, and to send information to the Assistant Magistrate, who having taken charge at Jungypore only that day was already on his way to Bunnyagaon. He carried on the enquiry until the 27th, when Mr. Wood relieved him under orders from Government and completed the investigation. These are the general facts of the case, and I shall now proceed to the more difficult task of testing the evidence to the recognition among the assailants of the Factory of the Prisoners committed in this case. The whole country, as may be supposed, is divided into two parties, the Planters and their servants on one side, the Ryots on the other. The first two or three days of the investigation were devoted to taking the depositions of the wounded, the Officers of the Steamer and one or two servants of the Factory and the Police; subsequently information as to the assailants was attempted to be got from Village Chowkeedars and others, but invariably without success, none of them knew one of the rioters, then more Factory servants and Police were examined. It is to be regretted that every Police Officer on the spot and every Factory dependant was not examined on oath at once as to the recognition of assailants only. We should then I think have had both a larger and a more trustworthy body of evidence than we now have. * * * * * * * * *

The next point was the degree of punishment to be inflicted. The charge on which the Prisoners were convicted was that of riotously and tumultuously assembling with arms, &c, to attack, &c, and with intent to murder, &c. This offence is generally included in this country under the head of affray, and for affray, with aggravating circumstances, a Sessions Judge is competent to pass a sentence of seven years' imprisonment with labor in irons. This did not seem an adequate punish-

ment for the leaders who in such a case ought to be very heavily punished while the great body of followers should be let off gently. But to obtain a heavier sentence than seven years on one or two Prisoners I must refer to the Nizamut, and, until that reference was heard and decided, my sentence on the other Prisoners could not be executed. Now there was a very considerable degree of excitement prevalent in the country. The Ryots were very unsettled, and it seemed to me from the manner the proceedings were watched and other things that they would settle to nothing till the case was disposed of one way or other, and a sentence followed not by execution but by the Prisoners being detained in Hajut as it were for perhaps two or three months would certainly not appear to the peasantry as a disposal of the case. Designing rascals would make them believe that the sentence was a sham, that we were trying to frighten them, they would all be released soon, &c., &c. I consulted Mr. Wood and others well acquainted with the state of feeling of the country, and finding they were completely of my opinion that a lighter punishment at once inflicted would be far more effectual for good than a heavier postponed one, I decided on passing sentences within my own competency, taking into consideration with regard to each Prisoner the degree of guilt proved against him, his position as head of a Village, or otherwise, and the more or less prominent part which his Village has taken, for instance I gave five years to all the Meertollah men because their Village was the Head-Quarters of the Western attack, and they had persisted in spite of the remonstrances of the Police. I have also directed all the Arms found with the Prisoners to be forfeited to Government.

Having thus disposed of one very painful duty I must proceed to another. Those unfortunate wretches whom I have just convicted and sentenced, those who were killed and wounded, many who have fled the Country, were led into the guilt for which they have suffered by the conduct of the Deputy Magistrate sent to enquire into the Ancoorah case, by the subsequent absence of an Officer from the Sub-Division, and by the neglect with which the Police reports were treated. The Police are bad enough, and they are blamed by all parties, some of them certainly did not do their duty; and Mr. Wood's enquiry may show that they acted in collusion with the Ryots, but however that may be reported strongly and fully as will be seen from the Reports in the Ancoorah and this case (the former not with the proceedings of this

trial,) they could scarcely be expected to tell the Magistrate that the Deputy Magistrate sent out and the Razeenama sanctioned by him had only made matters worse, though they well knew that was the fact, still they reported what was going on. On the 14th March, on receipt of a report from the Hazarpoora Moonshee, dated the 11th idem, a large force of Police was ordered to the spot, but after the 14th, owing apparently to some unfortunate misunderstanding as to the date of the Assistant Magistrate taking charge of the Sub-Division, none of the reports were attended to until after the attack on Bunnyagaon, when it was too late. The depositions of the Police taken in this case particularly those in the Foujdaree show what went on in the interval and how utterly they failed to restrain the Ryots.

The reports show how the Ryots at first amenable to remontrances from the Police gradually learnt to disregard them till they attacked Bunnyagaon in open day-light and in defiance of a considerable Police Force present on the spot. The Ryots appear to have said all along that what they wanted was a Hakim to enquire into their grievances, and the Prisoners in this case plainly told me that they never would have been in the scrape they were had a Hakim been at hand. I say the same, and this belief renders the duty of passing sentence at all times a painful one, infinitely more so in this case than usual. * * *

In conclusion, I must observe that Mr. Lyon, by his determined defence, saved not only his own life and property, but, had the attack on Bunnyagaon been successful, every Planter and Factory in this Sub-Division and Maldah would, I verily believe, have been attacked, and there is no saying how far the outbreak might have spread. Mr. Lyon had quelled the spirit of destruction before almost it was known to be abroad.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to G. U. YULE, ESQ., exercising the powers of a Sessions Judge in Moorshedabad,—(No. 2852, dated the 31st May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 2, dated the 18th instant, submitting an extract from your remarks on the trial of the men who attacked the Bunnyagaon Factory in March last, and in reply to inform you that the Lieutenant-Governor has perused

your observations with much interest, and desires to thank you for the careful manner in which you have conducted this trial.

2. In passing a sentence, such as could take immediate effect, you exercised, the Lieutenant-Governor considers, a wise discretion.

3. The Government is much indebted to you for your good service on this occasion, performed as it has been out of the ordinary limits of your jurisdiction, and over and above your ordinary Office duties.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2853, dated the 31st May 1860.)

SIR,

I AM directed to forward for your information the accompanying copy of a letter* from Mr. Yule, enclosing an extract from his remarks on the trial of the men who attacked the Bunnyagaon Factory on March last; and to state that the Lieutenant-Governor anxiously awaits a report of your proceedings in relation to the conduct of the Magistrate, Joint Magistrate, and Deputy Magistrate of Moorshedabad, and of the Local Police. Those who did well, such as the Jemadar Mahomed Ibrahim, should be rewarded; and those who did ill should be punished.

* No. 2, dated the 18th instant, with enclosure.

2. The Lieutenant-Governor has no doubt that Mr. Yule's remarks to the effect that but for accidents and mismanagement on the part of the Magisterial Authorities before the return of Mr. Furrell to his Sub-Division, the last disturbances would not have occurred, are correct. These causes are to be regretted; but they do not alone either account for the event, or very much mitigate the offence. Nothing appears of any grievances, real or imaginary, which the Ryots may have had, and thus no light whatever is thrown upon the causes of the first affray in February, or upon the true causes of the subsequent murderous outrages.

3. It is not an assignable cause of an agrarian disturbance that had there been an efficient Deputy Magistrate and a strong Police on the spot it would not have grown to such a head as it did grow to. The essential point to ascertain is the root of the feeling which thus displayed itself; and of this up to the present time, the Lieutenant-Governor has heard nothing either from Mr. Wood, Mr. Yule, the Magistrate

Mr. Rice and his family had to leave, the day following the severe beating of Meer Tuffuzzul Hossein at Ancoorah. This man was sentenced by Mr. Yule to five years' imprisonment with labor in irons for having been concerned in the attack on Mr. Lyon. Morad Biswas was a resident of Seebnuggur, one of Mr. Lyon's Villages, about two miles distant from Ancoorah, a petty Zemindar and a person of much influence among Mr. Lyon's Mussulman Ryots. He, seeing that the Ryots would eventually get into serious trouble by assembling in the lawless manner they did, was desirous of withdrawing himself from the league, and made overtures to Mr. Lyon, doubtless in the hope that Mr. Lyon would appoint him Gomashtah of the Bhowaneepore Factory, immediately near his, Morad's, house, in the same manner, and for the same reasons as Dwarkanauth Ghose had been appointed a Gomashtah by Mr. McLeod.

4. Morad Biswas was at the Bunnyagaon Factory with Mr. Lyon only a few days previous to the occurrence of the outrage, and Mr. Lyon informed me that he had had at that time serious thoughts of employing him. Ryots seeing that Morad Biswas was cooling in the interest he had formerly shown in their league, and probably hearing that I had sent for him on the 19th March last to Bunnyagaon after I had apprehended Etwaree Lengra, one of the principal actors in the above league, naturally suspected that he too was about deserting their cause from interested motives in the same manner as Jugbundhoo Ghose had already done, they determined to prevent the same, and that same evening (19th March last,) a meeting of the most influential men concerned in the combination took place at Momrezpore. Morad Biswas was present at such meeting, and was probably taxed with his intended defection. I have no doubt that the attack on Mr. Lyon's Factory was then and there planned, the conspirators doubtless thinking that by their going in considerable bodies they would succeed in driving Mr. Lyon away from his Factory, as they had already done Mr. Rice from Kalapanee. Morad Biswas throughout the attack kept himself as much as possible in the back ground, sending his son Kootoob Biswas forward to prove to the Ryots how deeply he was entrusted in the success of their schemes.

5. That the same motive which caused the attack on the Kalapanee Factory and driving away of Mr. Rice, likewise produced the outrage of Bunnyagaon as a consequence is evident from the fact that many

Kalapanee and Ancoorah Ryots who had no concern whatever with Mr. Lyon or his Indigo cultivation were present, and this could only be the case by their being actuated as above represented.

6. In the trial of the Bunnyagaon case both before myself and Mr. Yule, the Sessions Judge, some of the Prisoners alleged that their object in proceeding to Bunnyagaon was because they had heard that the Assistant Commissioner of Rajmehal, myself, had called them there to meet and discuss matters; the falsity and fallacy of this statement Mr. Yule clearly exposed in his judgment, copy of which was forwarded for the Lieutenant-Governor's information: it therefore calls for no comment from me.

7. Although I am unable to furnish so clear an explanation of the direct causes which led to the attack on the Bunnyagaon Factory as I could wish, yet it is evident to me, from the information I have obtained from enquiries, and from the particulars elicited in the cases tried before me here, that such attack was caused by a resolution of the Ryots to shake themselves free from the cultivation of Indigo as they have hitherto known it; and from ill advisers and ignorance of what they should do, they despairing of gaining their object in any other way, adopted a plan, which in an uncivilized mind would always be the first, that of forcibly ejecting those who were the heads of the cultivation and manufacture they wished to cease connexion with.

8. In conclusion I beg to state that no serious charges of any kind were brought before me against Mr. Lyon, by any of the accused concerned in the attack on the Bunnyagaon Factory, neither am I aware that Mr. Lyon has, in any way, personally maltreated his Ryots. Petty cases of exactions and ill-treatment on the part of his Factory Subordinates were at times brought to his notice, and instead of at once taking up such himself, or referring complainants to our Courts, he would make them over to his Sudder Office Amlah, by whom some cases were sometimes hushed up, or misrepresented to Mr. Lyon, and redress not always given the aggrieved parties. None of these however were of so serious a nature as would have given rise to feelings which would have produced the occurrence that has been the subject of this enquiry. Since the institution of Act XI. of 1860, Mr. Lyon has brought before me but seven cases of breach of contract, all of which have been compromised, Ryots agreeing to fulfil their engagements which would speak strongly in favor of the feeling existing between that Planter and his Ryots.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3019, dated the 8th June 1860.)

SIR,

IN continuation of my letter of the 9th ultimo, No. 2280, I am directed to forward to you herewith a copy of a further communication from Mr. B. Wood, in charge of the Aurungabad Sub-Division, dated the 30th idem, in which he reports the conclusion at which he has arrived in regard to the causes which led to the riotous outbreaks in the Aurungabad Sub-Division, and the attack on Mr. Lyon's Factories at Bunnyagaon.

2. The Lieutenant-Governor does not doubt that the general opinion formed by Mr. Wood of the causes of the late disturbances is correct; but he is not satisfied with the result hitherto arrived at in regard to those persons by whose criminal acts, oppressions and extortions, it is admitted that the Ryots were originally goaded into rising.

3. The case against the Ryots who broke the peace has been very well and successfully conducted. The severe punishment of those who committed such serious outrages as these Ryots committed was a matter of necessity; but equal justice will not have been done, and the root of the evil will not have been struck, unless the offences committed against the Ryots are brought to light with as much energy, and punished with as much severity, as the consequent offences against the people of the Factories have called forth.

4. Mr. Wood states no serious charges have been brought against Mr. Lyon. But this is not the case as regards others, there being on record very serious charges against the people belonging to Mr. Andrew's Factories, which the Lieutenant-Governor regrets to find have not been enquired into, though the investigation of these charges was specially committed to Mr. Wood. Among the papers forwarded to that Officer with my letter No. 1272, dated the 27th March last, was the letter from the Magistrate of Moorshedabad of the 15th idem, No. 25, in which it is stated that "on the 24th ultimo (February,) a report was received from the Darogah that the Chowkeedar of Munrezpore had given information that the Manager of the Factory at Ancoorah had surrounded the Village for the purpose of plundering it." In the same letter it was stated that a disturbance and threatened attack on the Kalapanee Factory was "caused solely by the oppressive

conduct of the Factory Gomashtah." Mr. Wood was desired to "institute a full and searching investigation into the circumstances of the case," the nature of the enquiry to be made being carefully set forth in paragraphs 5 and 6 of my letter to your address of the 27th March, of which an Extract was forwarded to Mr. Wood. It was observed in that letter "that it must be ascertained what numbers were engaged in the affair, what temper they showed; whether it is true that the Factory Gomashtah was left for dead; what exactly were the injuries which he received; what were the particular acts of oppression which, as is now at last reported, induced the Villagers to make this attack upon him, and how long such oppression had been practised; what the Owner or Manager of the Factory had done to check, encourage, or instigate such oppression; and in whose interest and for whose profit such acts were committed. The stories current and credited of oppression in the quarter in question are such that if those connected with the Factory are *not* culpable, enquiry is due to them; and if they *are*, it is due to the public that Criminal proceedings should be instituted against the guilty parties."

5. Mr. Wood admits that the Ryots of the Ancoorah Factory suffered grievous oppressions from Tuffuzzul Hossein, the Gomashtah. Not doubting this fact, the Lieutenant-Governor desires that this man be immediately prosecuted for those grievous oppressions, with the utmost rigor of the Law. And if he had any aiders or instigators in these oppressions who can be discovered, such persons also should be similarly prosecuted. The Lieutenant-Governor is constrained to say that the impunity hitherto of these men, who were the cause of all the evil, and whose moral guilt is many times greater than that of the misguided and ignorant Ryots whom they goaded to desperate acts, is a point in the treatment of this case with which he is much dissatisfied.

6. Among the causes to which the dissatisfaction which led to the rising of the Ryots is attributed, is the alleged plunder of a house at Amdole by Mr. Masseyk, an Indigo Planter, in January last. That it should be alleged, with any probability of truth, that a British Subject plundered a respectable man's house, in open day, within a day's journey of a Civil Station, several months ago; and that all that can be reported about the matter now is, that the occurrence is under enquiry by the Magistrate, is a fact very discreditable to the efficiency of the adminis-

tration. It behoves the Magistrate immediately to apply himself to the investigation of this case, and thoroughly to sift the matter so as to elicit whatever of truth there may be in the story.

7. In conclusion I am to request that you will impress as strongly as possible on the Magistrate the duty of diligently tracing out and punishing the offences which have been at the root of all this evil; and of prosecuting all offenders with the utmost rigor, either before the Mofussil or the Supreme Court, as the case may be.

8. Mr. Wood, to whom a copy of these remarks will be communicated, will now rejoin his own appointment in the Sonthal Pergunnahs; and Mr. Man, who has been appointed to the Aurungabad Sub-Division, should be directed to take charge with as little delay as possible.

No. 3020.

COPY forwarded for the information and guidance of Mr. Browne Wood, in temporary charge of the Sub-Division of Jungypore in Moorshedabad.

(From BROWNE WOOD, ESQ., Officiating Deputy Commissioner, Sonthal Pergunnahs in temporary charge, Jungypore Sub-Division, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 137, dated the 6th June 1860.)

SIR,

HAVING completed my enquiry into the causes which led to the attack on the Ancoorah Factory, and the severe wounding of Meer Tuffuzzul Hossein, Gomashtah of that Factory, and the driving away of Mr. Rice, Assistant in charge of the Kalapanee Factory, from Kalapanee, (both Factories belonging to Mr. David Andrew, Proprietor of the Aurungabad Concern,) on the 23rd and 24th February last, by a large concourse of armed Ryots, I have now the honor, in accordance with the instructions received in your letter No. 1278, of the 27th March last, received on the 16th April, to forward a Report as therein directed, for the information of His Honor the Lieutenant-Governor of Bengal.

2. One Meer Tuffuzzul Hossein was appointed Gomashtah of the Ancoorah Factory in July last by Mr. A. D. McLeod, Manager of Mr. David Andrew's Factories and Zemindaries, called the Aurungabad Concern. At this time the manufacture was being carried on at the

Ancoorah Factory, and Meer Tuffuzzul Hossein, Gomashtah, commenced his course of oppression and extortion in first seizing individuals who never before had any connection with Indigo cultivation or manufacture, letting off those who paid him well, and forcing those who could not and did not fee him to work at the Factory. The aggrieved parties proceeded to Kaleegunge, and laid their complaints before Mr. McLeod, the Manager, who called upon the Gomashtah for an explanation of his conduct: the Gomashtah replied, that those who had complained against him were Zemindaree Ryots of the Concern; that they were in the habit of working at other Concerns, and also as Coolies on the Railway, and as the Indigo Plant of his Factory was going under water, he, acting under the orders of Mr. Scott, the then Assistant in charge of the Kalapanee and Ancoorah Factories, had forced the complainants to assist in cutting Indigo plant, and also in making an Embankment. On receiving this explanation, Mr. McLeod did not make any further enquiry, doubtless thinking that the Gomashtah was only acting up to Mr. Scott's orders; and perhaps not caring to stop his Factory works at a busy season, he did not prohibit the Gomashtah from enforcing labor. This was the Gomashtah's first success.

3. Seeing he had got the better of the Ryots, the Meer resumed his oppressions and extortions, specially against those who had previously complained against him, until the Ryots again sought redress at Mr. McLeod's hands. Mr. McLeod now directed Mr. Rice (in September last), who had succeeded Mr. Scott (said to have been discharged for having illegally taken monies from Ryots,) in the charge of the Kalapanee and Ancoorah Factories, to make enquiry into the Ryots' complaints; this Mr. Rice did on the 1st October last, and was engaged five days at Ancoorah in such investigation. The Gomashtah was away at his home at Chapghattee, ten miles from Ancoorah—sick. It came out in Mr. Rice's enquiry that several of the petty Subordinates of the Ancoorah Factory had been concerned with the Gomashtah in his exactions. After taking down the statements of several of the complainants, and some of their witnesses, Mr. Rice forwarded his investigation papers to Mr. McLeod, informing the Ryots at the close of his enquiry, that he was not authorized to pass any orders himself, as he had but lately joined his appointment. He was sure however that Mr. McLeod would look well into their several complaints, and if he considered them true and

substantiated, he would doubtless remove the Meer and the others from their situations.

4. Ryots waited some time for Mr. McLeod's decision, and receiving none, they again proceeded to that gentleman's house at Kaleegunge. Mr. McLeod then told them that as the Gomashtah had been absent when Mr. Rice had taken down the Ryots' complaints against him, it would be but fair that the Gomashtah should be present, and that he, Mr. McLeod, would himself proceed to Ancoorah, and enquire into their complaints, until then, he directed the Gomashtah not to return to Ancoorah; this was virtually suspending the Gomashtah till further orders. Mr. McLeod did not proceed to Ancoorah till the 20th November last. He was there four days with Mr. Rice, took down the Ryots' statements, of those previously taken by Mr. Rice, also of others who were not present at first enquiry; the Gomashtah was present throughout Mr. McLeod's investigation, and had Mr. McLeod done well, or been in earnest in his intention of giving satisfaction to his Ryots, he ought, I think, to have taken then and there the Gomashtah's reply to each of the accusations brought against him, at all events such as Mr. McLeod considered proven, especially as the complainants were present, and had been for two months prosecuting their charges against the Gomashtah. Mr. McLeod instead of doing this, directed Mr. Rice to make the papers over to the Gomashtah, in order that the Gomashtah might file his answer to each charge separately. Messrs. McLeod and Rice state, that the Ryots appeared satisfied with Mr. McLeod's order; they would doubtless have been much more so had some decision been passed at the time by Mr. McLeod; for if any one of the numerous charges of extortion brought against the Meer had been established, it was clearly Mr. McLeod's duty to have removed that man from his situation, also those who had been associated with the Gomashtah in such extortions. Mr. McLeod failing to do this was most unfortunate, as will hereafter appear.

5. Mr. Rice proceeded to Calcutta on the 19th December last, with the Indigo manufactured in the Aurungabad Concern; before leaving, however, he made over to Mr. McLeod all the papers connected with his own, and Mr. McLeod's enquiry into the Gomashtah's alleged misdeeds, as also the written explanation and defence of the Gomashtah to the several accusations brought against him. Mr. McLeod states he was shortly after this taken ill with *hæmorrhage* of the lungs, which,

incapacitated him from business, and early in January last he proceeded to Calcutta for Medical advice and treatment. Before his leaving, however, the Ancoorah Ryots came to him once again, requesting to know what orders had been passed with regard to their complaints against Tuffuzzul Hossein Gomashtah. The Ryots and their witnesses' version of this interview is, that Mr. McLeod declared he would not discharge the Gomashtah; that he had worked well for the Factory, and had increased the quantity of Indigo at Ancoorah much; if the Ryots wanted to go elsewhere, they were welcome to go, other Ryots would take up their lands, &c. Mr. McLeod however states that, on the Ancoorah Ryots coming to him before his leaving for Calcutta, to learn what orders had been passed by him relative to their complaints against the Meer Gomashtah, or as he is more commonly called "Meer Dewan," he explained to them that up to that time he really had not had time to dispose of their case; that he was then unable from sickness to do so, he was about leaving for Calcutta for Medical advice; and as Mr. Rice too was absent in Calcutta, there was no one to carry out his orders even if he did pass any. He promised that immediately on his return orders would be passed, and if the Gomashtah was proved guilty, he would be dismissed, as also Jhulloo Singh and Dhunnoo Singh, Burkundauzes, who appeared to have been the principal actors in the whole affair. "The Ryots," Mr. McLeod further writes, "understood me perfectly and appeared satisfied." Before starting for Calcutta I sent for Meer Jhulloo Singh, and Dhunnoo Singh; I told the former that serious charges as he knew were hanging over him; that I could not dispose of them till I returned from Town; that he was to remain at the Factory but to confine his work to merely looking after the ordinary routine of business till Mr. Rice returned from Town; that Jhulloo Singh and Dhunnoo Singh were also to remain in the Factory, but suspended from all work.

6. According to Mr. McLeod's own showing, I think he was wrong, very wrong in having retained in his situation the Gomashtah Tuffuzzul Hossein, as he well knew that serious charges were pending against that individual, and that the Ancoorah Ryots had been prosecuting the Meer for several months without obtaining any redress. Mr. McLeod suspends Jhulloo Singh and Dhunnoo Singh, the Meer's Subordinates, men who never could have committed the oppressions and exactions they were said to have done, had they not had the countenance and support of the Meer. I am of opinion that had Mr. McLeod suspended Meer Tuffuzzul

Hossein Gomashtah, as I think he ought to have done before leaving for Calcutta, none of the after gross misdoings and extortions of this man would have been committed, leading to the general disaffection of the Ryots against Indigo cultivation, and eventually to the attack on Mr. Lyon's Factory of Bunnyagaon, in consequence of the reports of the Police reporting the large and riotous gatherings of the people in and around the Ancoorah Factory Elaka, consequent on the severe *joolum* of Meer Gomashtah not having been promptly taken up and enquired into by the District Authorities, and even when taken up being allowed to pass over, and no example made of the Meer, or the ringleaders of such riotous and tumultuous gatherings of the people.

7. The misdeeds of Meer Tuffuzzul Hossein Gomashtah, in the first instance, were trifling, compared to those afterwards committed by him during Mr. McLeod's absence in Calcutta. Fancying he had got the better of the Ryots on three several occasions, *first*, when the *Jolhars* and others had complained against him, and no redress was given them; *second*, that nothing was done to him after Mr. Rice's investigation; and *lastly*, that Mr. McLeod had not suspended him, although he had two of those under him, he considered himself firmly established in Mr. McLeod's favor, and commenced a system of oppression and extortion altogether intolerable, all classes, high and low, being brought under contribution by him.

8. On Mr. Rice's return from Calcutta, 18th January last, he informed the Meer Gomashtah that he had received instructions from Mr. McLeod to increase the Ancoorah Factory Indigo cultivation by three hundred Beegahs during present season. Mr. Rice directed Meer to call upon the Mehal Gomashtahs to give in lists of the jummas of all Ryots residing in their respective Elakas, showing the number of Beegahs each Ryot's jumma contained. He also directed the Meer to measure off each Ryot's Indigo cultivation within the Ancoorah Kotee Elaka, in order that he might ascertain whether the Ryots of that Elaka really cultivated the quantity of land each had contracted to give in Indigo; also, to bring before him such Ryots and people who resided within that Factory Elaka, in order to see if such people could be induced to give any portion of the increase called for; and lastly, in order to ascertain if it were possible to get any Khas Poteet land cultivated so as to let the increase called for fall as light as possible upon the Ryots; Mr. Rice called upon the Meer to ascertain if any such Khas Poteet lands were

available for Indigo cultivation or not. These orders, although I believe given in good faith by Mr. Rice, served only as handles for oppression and extortion, and were disastrous in their consequences.

9. Meer Tuffuzzul Hossein was too old an adept at extortion to let such favorable opportunities pass by without making the most of them. He not only called for the jumma of each Ryot from the Mehal Gomashtahs, but also for lists of the number of Pack Bullocks and Carts owned by non-Indigo cultivating Ryots and Traders; also of dhekees worked by paper manufacturers; for what purpose this was done will be shown hereafter. On the plea that such and such lands belonging to Ryots, and cultivated by them early in the season with cold weather crops, such as Teesee, Sursoo, Barley, Wheat, &c., were required by the Factory for Indigo, Meer would call upon the owners of such crops, and tell them, that if they failed to redeem the same by paying a *douceur* to himself, he would have such ploughed up, and the land sown with Indigo. To show that he was in earnest in such threat, he had some crops ploughed up as a warning, this had the effect intended: Ryots seeing or hearing that a neighbour's crop had actually been ploughed up, on the plea that the land was required for Indigo, were only too glad to save their own, and to give in to the Meer's extortionate demands. Meer would summon non-Indigo cultivating Ryots, owners of Pack Bullocks, Carts, Dhekees, also Traders, and even respectable Mahajuns to appear before him at his Factory Cutcherry, and call upon them to give Sattas for the cultivation of Indigo. "As the Meer knew well that these people seldom had lands, or ploughs, or ploughing Cattle, and that they would pay handsomely rather have any dealings whatever in Indigo, his requiring them to give Sattas was a mere pretext for extorting money from them. Meer would through one of his own creatures, or co-partners then arrange with each individual according to his station in life, and afterwards, taking them up before Mr. Rice, get them exempted from cultivating Indigo. Lastly, Meer sought for patches of Khas Poteet land within his Elaka which might be brought under Indigo cultivation, taking care of course to cultivate those only which would inconvenience the Ryots, and thus further his own views, as he knew well that the Ryots would prefer feeing him rather than have Indigo at their very doors. He would for instance have a narrow strip of land lying between a Village and a Nuddee, which had been for generations allowed to be the Village Nikhass,

cultivated with Indigo, and thus shut off access to the River, except by some circuitous route; he would stop up the Village pathways to the River on the plea that the Indigo would be destroyed. Some one of his understrappers would then call upon the headmen of the Village and tell them that the Meer was open to an offer, and if the Villages would club together and give four annas per house the prohibition to cross such patch of cultivation would be taken off, and Ryots allowed as formerly to go direct to the Nuddee from their houses. In fact the Gomashtah left no stone unturned by which he had any opening to extort money, and I am only surprised that Ryots and others put up with the Gomashtah's extortions and *joolum* so long as they did. Some Ryots went again to complain to Mr. Rice after his return from Calcutta of the Meer's continued oppression, and getting no redress from that gentleman they determined to take the Law into their own hands, the next opportunity the Meer gave them—they had not long to wait.

10. On the 23rd February last, Meer Tuffuzzul Hossein proceeding to measure off, as he says, some lands for Indigo cultivation, also to see that the Ryots had their ploughs out, when near the Village of Jiggree, had some words with the Villagers, and seeing that they were inclined to be restive, he turned to go back, when he perceived other bodies of Ryots running towards him. Fearing that the Ryots were hostilely inclined towards him, he galloped home to his Factory, and hid himself in the Dufterkhanna. Shortly afterwards many, from 7 to 800, Ryots also arrived, and searching for him, found him, dragged him out, and gave him a most severe thrashing; also plundered him of Rupees 250 cash, a small box containing some Rupees in small coin, a pair of Shawls, and a Shawl Roomal. The charge of plunder I find on enquiry to be entirely false, as will be seen in the proceedings forwarded. He also stated that he had recognized thirty-five* of those who beat him. This he could not possibly have done, as he himself says he was hid under an Indigo sheet, and as soon as he was found, he was dragged out, beaten till he was outside of the Dufterkhanna, a small Shed, 20 feet by 10, and then struck by lattie blows over the head till he fell insensible.

* Residents of some eleven Villages.

11. According to the Meer's account, he would wish to show that it was in consequence of his having gone to measure off some

lands, and to see that the Ryots had taken out their ploughs for Indigo cultivation that they attacked him, &c. The real cause will be very difficult to trace in consequence of its being so much mixed up with the attack itself; as those who are said to have been forcibly taken to the Ancoorah Factory, by some of the Meer's Subordinates, now deny before me that they were so taken, doubtless being afraid that by their telling the truth, they would, during their examination before me, have to give the names of those who rescued them from the Factory, and beat the Meer. From private sources I learn that Meer Tuffuzzul Hossein had sent some of his people to the Village of Ghazeenuggur to collect Rupees 80, which amount he had assessed that Village at, in consequence of the Ryots, mostly Mussulmans, refusing to allow their women to collect and throw away weeds, dhoob grass, &c., from some freshly ploughed up lands, as being work their women had never before done, and would consider themselves disgraced at their doing. The Meer had called upon the women to do this on the plea that there was much dhoob grass, &c., on such land, and that Indigo would not grow well on it in consequence. This however was but another pretext for extortion, as he knew Mussulmans would not allow their women to do such work. The Villagers agreed to pay Rupees 40, so that their women be excused from the above work, some of them bolder than others, said "we will give Rupees 40, not 80, and if the Meer won't take 40, he shall have none at all." The Meer's people went and repeated this to the Meer, who ordered them to bring the spokesman of the Ryots to the Factory. This was done; the news of the same spreading to the neighbouring Villages, the Ryots turned out in considerable numbers* assailed the Factory, rescued the Prisoners, and severely beat the Meer Gomashtah.

* Some 7 to 800 surrounded the Factory, 30 to 40 beating the Meer. Some 2 to 3,000 were going towards Factory, but Police arriving, they all dispersed.

12. There is no doubt that the Meer received a thorough good thraoshing. He was found by the Police, some say inside his "Bassa," others, outside near the Vats, blood flowing from several wounds on the head, his right elbow dislocated, and some bones on the back of each hand more or less injured. The Native Doctor of Jungypore, who examined the Meer's wounds two days afterwards, states in evidence before me, that none of them were so serious as to have endangered life.

13. The Police at the Shumsheregunge Thannah, two miles distant from Ancoorah Factory, getting information that the Ryots of several Villages were collecting in great numbers and intended to attack that Factory, and to kill the Meer Gomashtah, proceeded there and arrived after the whole affair was over.

The evidence given by the Police is most contradictory and false throughout. They would make me believe that on their arrival at the Factory, they apprehended one of those who had beaten the Meer. This man with many others being about 100 yards distant from where the Meer lay wounded seeing that the Ryots were coming down on the Police with the intention of releasing the Prisoner, they fearing that they might themselves be assaulted, allowed the man to escape. This is a mere fabrication got up with the expectation of proving, that the Police had attempted to do their duty but were resisted by the Ryots; the apprehending of such Prisoner, and his escape afterwards, is not noted in any of the Police Reports to the Magistrate of Moorshedabad. The Police remained at the Ancoorah Factory all day, and towards evening sent Meer Tuffuzzul Hossein in a Doolee to the Thannah, and afterwards took down his deposition; next morning Meer was sent in to Jungypore Hospital for Medical treatment. The Shumsheregunge Darogah, in his second Report of the 23rd February last, states he took the Meer's deposition at the Factory, whereas, in his evidence before me, he says, he took the same at the Thannah, the same evening; in that Report too he distinctly states that he was afraid to *attempt* the seizure of any of the Ryots, and yet in his evidence before me, he says he apprehended one of the assailants and afterwards allowed him to escape, fearing the Ryots would have attacked the Police. The Darogah does not give the names of any of those who wounded the Meer, although many were in and around the Factory when he arrived there. The reason he gives for not being able to recognize any of the assailants is, that he had only lately arrived at the Shumsheregunge Thannah. He admits however that he had been at this Thannah some three years previously, and as the Ancoorah Factory is within one koss of the Thannah, and those who attacked the Meer are residents of the adjoining Villages, he must have recognized some of the assailants.

14. On the 24th February, the Darogahs of Shumsheregunge and Sootee, the latter had come up the previous night at the requisition of the former, proceeded to Nya Haut, hearing the Ryots were again

collecting, and learning from Ameerooddeen Burkundauz that the Ryots of Munrezpore and Mahadebnuggur were planning to go to Kalapanee Factory to loot the same, and to kill Mr. Rice, the Assistant in charge. The Shumsheregunge Moonshee and Sootee Darogah started off for Kalapanee to give Mr. Rice timely notice of the Ryots' intentions, whilst the Shumsheregunge Darogah endeavoured to dissuade the Ryots from proceeding to Kalapanee. The Ryots collected in great numbers by beat of drum, and in spite of the Darogah's remonstrances proceeded to Juggobundoo Raie's house in the direction of Kalapanee Factory, while some 5 or 600 persons went on towards the Factory, saying they would force Mr. Rice's family to do the same, as he, Mr. Rice, had made their women do, *viz.*, collect and afterwards remove grass, weeds, &c., from Indigo lands. Lallchund Saha, one of the Heads of the recent disturbances, coming up, informed the people that Mr. Rice and his family had escaped from the Factory, and that they had better return to their homes, which they now did; the Factory was not touched, nor the people there molested. The Shumsheregunge Darogah, although amidst the crowd, says he did not recognize any of the people except Lallchund Saha.

15. The Moonshee of Shumsheregunge succeeded in getting Mr. Rice and his family to leave Kalapanee about 3 P. M., and escorted them as far as Chapghattee. The same night Mr. Rice and family reached Noorpoor Factory across the Bhaugiruttee, having suffered much on the way; all had to leave on foot and had got about three-fourths of a mile away from the Factory, when the Syce bringing up Mr. Rice's Buggy, Mr. Rice with four young children got into it, whilst Mr. Rice, his two daughters and son, a boy about nine or ten years of age, had to walk from Kalapanee to Noorpoor, a distance of twelve miles.

16. No disturbance took place on the 25th February, but on the following day in the afternoon, Ryots again turned out 5 to 6,000 in number by beat of drum, giving out that the Factory people were about to plunder Juggoobundoo Raie's House and Village. The Police followed the mob, and assured them that the report was false. After proceeding some distance and ascertaining that the report was really false, the Ryots dispersed and returned to their homes. The Darogah names Morad and Sauhuss Biswas as being the leaders of this party. On the 27th, Ryots again turned out by beat of drum some 10 to 12,000 persons variously armed, and headed by Lallchund Saha, Morad Biswas and Sauhuss

Biswas, and proceeded to Lahalamaree, about two and a half to three koss from Shumsheregunge Thannah, having heard that the Factory people were collecting Sirkeewallas, &c., and intended to loot Lahalamaree Bustee. The Police got ahead of the mob, and on the arrival of the latter, assured the people that the report was wholely false, and that no Factory people or Sirkeewallas were anywhere near; after resting awhile the Ryots returned to their homes. On the 28th nothing occurred, and on the morning of the 29th, Baboo Shreesh Chunder Viddyarutna, Deputy Magistrate, arrived at Dhoolian, having been deputed by the Magistrate of Moorshedabad to enquire into the Ancoorah and Kalapanee outrages, and the causes which led to the same.

17. The Police were not wanting in reporting, *after* the attack on the Meer Gomashtah, daily what occurred; begging that some "Hakim" might come to the spot and enquire into the grievances of the Ryot, and also to put down the unlawful assemblages of the people, as they, the Police, were helpless, and unable to prevent such, or to restrain the Ryots, neither could they be held responsible for what might happen should the Factory people and the Ryots come to blows. The Darogah of the Shumsheregunge Thannah was cognizant, if he was not he should have been, through his Burkundauzes, Pharrecdars and Chowkeedars, of the Meer Tuffuzzul Hossein's extortionate and oppressive conduct towards the Ryots; and I do not consider it any justification his saying he could do nothing, because no one would come forward to lay any complaint before him; he must have known of the excited and discontented state of the Ryots, as many of the Meer's oppressions were committed on Ryots *not a mile* from his Thannah, and it was clearly his duty to have reported to the Magistrate of Moorshedabad, in the absence of the Officer in charge of this Sub-Division, on leave, the unsatisfactory state of affairs in the immediate vicinity of his Thannah.

18. It is much to be regretted that neither the Magistrate nor the Joint Magistrate of Moorshedabad on receipt of the Shumsheregunge Police Reports repaired to the scene of disturbances, instead of sending up Darogahs and a *possee* of rabble Burkundauzes for whom the Ryots in their then excited state cared not a straw; equally unfortunate was the deputation of the Native Deputy Magistrate, who was at first looked upon by the Ryots as a 1st Class Darogah, and welcomed as such, by the people clapping their hands and saying "we have three Darogahs already, here is a first class "walla" come to put matters to

rights," showing in what light they looked upon a Native Hakim. The Deputy Magistrate was not much pleased or assured at such reception, and was doubtless glad to leave so unpleasant a neighbourhood. In his first Rooboocarree of the 29th February last, announcing his arrival here, he writes that he purposes, if possible, to bring about an amicable settlement of differences between Mr. David Andrew's people and the Ryots. The following day, 1st March, he proceeded and inspected several localities where the Ancoorah Factory Officials had cultivated strips of land along the Dhoolian Nuddee with Indigo, so pathways to such Nuddee, for water had been closed, also exist from Village to Maidan for women and children, no land left for Cattle to graze on, or passage for Carts or Cattle; in some places burial grounds ploughed up, in one a Durgah also about 1,000 beegahs, distributed among several Villages, of Teesee, Peas, Jow and other crops, whilst in a "kutcha" state had been ploughed up, or grazed down, and the lands sown with Indigo; such burial grounds, roads, crops, or waste land as remained had been paid for by the Ryots and exempted from Indigo cultivation. The Deputy Magistrate took down the depositions of several Ryots detailing their several grievances. On the 2nd March he took the depositions of the Police as to the attack on the Ancoorah Factory, and wounding of Meer Tuffuzzul Hossein; the Meer himself was absent at Jungypore under medical treatment, none of the Factory servants were examined. On the 3rd, the whole day appears to have been taken up in bringing about the Razeenamas. These were filed that evening, and then the Deputy Magistrate started for Moorshedabad, arrived there the following night, and on the 5th, sent a Roobookarree to the Joint Magistrate, stating what he had done, and recommending that the Razeenamas be sanctioned. The Joint Magistrate on the 6th idem submitted the papers to the Magistrate, requesting to know whether he thought they might be admitted, and proceedings closed; the Magistrate being of opinion that they might, the Joint Magistrate sanctioned the Razeenamas on the 6th, and the case finally disposed of as compromised.

19. I do not think that the Magistrate or Joint Magistrate could have been aware how these Razeenamas had been brought about, or what was the exact state of feeling of the Ryots against the Meer and his Subordinates, or they would hardly have sanctioned them. In

the first place the Razeenama filed on the part of the Ryots was signed by only three men, and these, Lallchand Saha, Morad Biswas, were the principal men concerned in the driving away of Mr. Rice and his family from the Kalapanee Factory on the 24th, and the lawless assemblages of the 26th and 27th February last, as noted in paragraph 16. I found on enquiry in his case that none of these three men were concerned in the attack on the Meer Gomashtah. The Ryots' Razeenama was to the effect that as Mr. David Andrew was their Zemindar, they did not wish to prosecute further their charges against Mr. Andrew's Factory servants: that filed on behalf of Mr. David Andrew by his Mooktears, simply states, that as the accused are Mr. Andrew's Ryots, he did not wish to prosecute further the charges against them. No mention is made as to how Indigo cultivation was to be hereafter carried on by the Ancoorah Factory Ryots, neither was Meer Tuffuzzul Hossein Gomashtah the principal man interested in the Ancoorah case even consulted as to the Razeenama given in by Mr. Andrew's Mooktears. The Deputy Magistrate was evidently in a hurry to be off; as he was desirous of having matters compromised between Mr. Andrew and his Ryots. He should have stopped at least another day and have so arranged that no cause for future discontent or disagreement should have remained; this was then an easy matter, as both parties had been very much in the wrong and were evidently desirous of settling all differences. Had this been done Ryots would have settled down, and the after consequences have been obviated. I question however whether, under the circumstances, these Razeenamas should have been sanctioned at all; the Meer being charged with having fraudulently extorted and taken monies from the Ryots under threat of forcing them to cultivate Indigo, and the Ryots had been guilty of going about in large bodies, beating drums, and armed with all kinds of offensive weapons, refusing to obey the Police, setting them at defiance, and inviting a breach of the peace with the Factory people. Had an example been then and there made of both parties, the attack on Mr. Lyon would not have been made, and the lives of several Ryots sacrificed, (four have died and another is not expected to recover,) nor sixteen men punished with long periods of imprisonment for having been concerned in such attack.

20. Prior to the Ryots giving in their Razeenama, the under-mentioned agreements were, I hear, come to between them and Mr. David

Andrew's Mookhtars; same sent to Mr. David Andrew in Calcutta, and sanctioned by him, but at the time unknown to Mr. A. D. McLeod, Manager of the Aurungabad Concern.

First.—The dismissal of Meer Tuffuzzul Hossein Gomashtah.

Second.—The dismissal of Mr. Rice, Assistant in charge of Kalapanee and Ancoorah Factories.

Third.—That the monies extorted by Meer Gomashtah be repaid to the Ryots.

Fourth.—That the Ryots' bamboos, grass, trees, fowls, &c., be not taken from them without their consent, and when taken to be fairly paid for.

Fifth.—That the quantity of land as cultivated during Mr. Masseyk's, a former Assistant's, incumbency be now taken, and not increased in the Ancoorah Factory Elaka.

Sixth.—That Juggoobundoo Raie's brother, Dwarkanauth Ghose, be appointed Gomashtah in the room of Meer Tuffuzzul Hossein, and lastly, that Mr. McLeod's Mistress be not allowed to interfere in any way with the Ryots in either Zemindaree or Factory matters.

Whether Mr. McLeod acted according to instructions from Mr. Andrew, I cannot say, but Meer Gomashtah *was* discharged, also Mr. Rice. Dwarkanauth Ghose was appointed Gomashtah in place of Meer Tuffuzzul Hossein. Various sums were placed in the hands of Munduls of Villages to be repaid to Ryots should they prove that the Meer had extorted such monies from them: the only hitch appears to have been as to the quantity of land to be cultivated with Indigo in the Ancoorah Factory Elaka. The Ryots seeing that so many concessions had been made them, now proposed giving two Beegahs per plough in Indigo. To this Mr. McLeod would not accede; they then proposed 1,800 Beegahs as given during Morad Biswas'* incumbency; to this Mr. McLeod also refused to accede, saying, the Ryots had agreed to give the same quantity of land in Indigo as they had done in Mr. Masseyk's time, and that he could not take less, rightly judging that if he gave in so much to the Ancoorah people, the remaining Factories of the Concern, some six in number would be also claiming a remission in their quantities of cultivation, and this the Concern could not afford to do. Mr. McLeod doubtless thinking that the Ryots could eventually give in, now returned to his Sudder Factory at Kaleegunge. The Ryots however

* Morad Biswas had formerly been an Ameen at this Factory.

were stubborn and held out. Some days afterwards some Factory Burkundauzes, six or eight in number, going from Urmaree to Tarapoor, the Ryots of that part of the Country wrote up to the Ancoorah men that the Kootee Sahibs were getting up many Sirkeewallas to coerce the Ryots; the Ancoorah men who were on the point of giving in, now determined to throw Indigo aside altogether, the more especially as they had been put up by some of Mr. McLeod's own Amlah not to sow for some time, as they, the latter, were in hopes that if the Ryots held out a little longer, Mr. David Andrew might be so dissatisfied with Mr. McLeod as to dispense with his services as Manager.

21. Whether for the reasons assigned by Mr. McLeod in his letter to my address, dated 26th ultimo, paragraph 6, or whether the Amlah had been, as stated by them, directed by Mr. Andrew to tell all they knew when called upon as to the causes which led to the rising of his Ryots against Indigo Planting, I could see at once from the manner in which the Amlah gave their evidence, that they were not well inclined towards Mr. McLeod; and I have no doubt that the Ryots also seeing and knowing this, determined to take advantage of the same for the furtherance of their own views. A regular league was now formed against Indigo cultivation. Oaths were subscribed to both Hindoos and Mussulmans. Ryots of one Village were called upon, by beat of drum, to assist those of another, if molested by the Planters' servants, &c., and if pressed to cultivate Indigo by such servants they were to resist; signals were made and given, subscriptions raised, Villagers turned out by beat of drum, and proceeded in large bodies, armed to any alleged threatened spot, in fact they had it all their own way, the Police were afraid and had been bought over by the Ryots. Mr. Furrell, Assistant Magistrate, attached to this Sub-Division, was away at the time on leave, and no one here in his place to put a stop to these illegal meetings and assemblages of the Ryots. Affairs rapidly got worse until they reached their climax in the attack on Mr. Lyon at Bunnyagaon, particulars of which attack I have given in my Reports of the 5th and 30th ultimo. I would, however, further remark, that had Mr. Furrell, who had returned to Jungypore from Calcutta, on the 14th of March last, just a week prior to the attack on Bunnyagaon, acted up at once, to Mr. Joint Magistrate H. W. Alexander's letter No. 191, of the 15th idem, forwarding him the Reports of the Sootee and Shumsheregunge Darogahs (stating that the Ryots were again collecting in large armed

bodies, by beat of drums, and that the Planters were also raising armed bands of men and they knew not at what hour a breach of the peace might take place), and requesting him to proceed to the scene of disturbance and endeavour to set matters to rights, the attack on the Bunnyagaon Factory might have been prevented. Mr. Furrell's leave was not up till the 21st idem, on which day he retook charge of his Office, and proceeded to Bunnyagaon the same morning Mr. Lyon was attacked.

22. Although no actual proof has been adduced in these proceedings showing that Poorno Beebee had taken monies from the Ryots, there is no doubt that it was currently rumoured, and generally believed, that she had influence in the management of affairs in the Aurungabad Concern, and that she had exercised such influence on behalf of Meer Tuffuzzul Hossein Gomashtah. I think Mr. McLeod has laid himself open to the imputation that he favored such Gomashtah at the expense of the Ancoorah Ryots.

First.—By his not putting a stop to the Meer's oppressive conduct in seizing carts and individuals ostensibly for Factory purposes, but in reality to enable him to extort monies for their release as brought to Mr. McLeod's notice in July last.

Second.—Failing to suspend Meer Tuffuzzul Hossein when Mr. Rice reported unfavorably of that individual in October last.

Third.—In not taking the Meer's defence to the charges brought by the Ryots against the Meer, and personally enquired into by Mr. McLeod in November last, and passing some order for or against the Meer.

Fourth.—Knowing well the feeling of the Royts, who had been complaining for six months against the Meer without obtaining any redress, in retaining that person as Gomashtah of the Ancoorah Factory on his, Mr. McLeod's, departure for Calcutta in January last, thus giving him greater and unrestricted opportunities of further oppressing the Ryots during his, and Mr. Rice's absence; and *lastly*, in calling for an increase of 300 Beegahs of Indigo cultivation in the Ancoorah Factory, the only one in which, up to that time, any discontent has been shown, and when he knew the Meer, the cause of such discontent, was still Gomashtah, and might have supposed that in carrying out such order, the Meer would not fail to revenge himself on those who had so long endeavoured to bring about his dismissal.

23. I think it was very injudicious in Mr. McLeod having retained the Meer so long as Gomashtah. It gave him greater confidence, and the

Ryots' cause for supposing that some indirected agency was really at work in retaining the Meer in his appointment. Mr. McLeod's Amlah have stated before me that the Meer gave Mr. McLeod's Mistress Poorno Beebee a pair of Shawls, a Shawl Roomal, and 200 or 250 cash to get her to intercede with Mr. McLeod in his behalf after Mr. Rice had sent in his first Report unfavorable to the Meer; of this however there is no proof; the only person who states he saw such given is Imdad Khan, a discharged Factory Burkundauz, and he gives such contradictory evidence that I am unable to place any confidence in his statement.

24. Mr. Rice, although not actually charged with having taken monies from the Ryots in connection with the Meer Gomashtah, is suspected by them of having so done in consequence of his having refused to listen to any complaints against the Meer after his return from Calcutta in January last. Mr. Rice had no authority to dismiss the Meer even had he been guilty. He had once recommended his dismissal without avail; next he had only lately joined, and depended upon the Meer for all information regarding the Ancoorah Factory. He had but this man to carry out Mr. McLeod's order for increased cultivation. He knew the Meer was on bad terms with the Ancoorah Ryots, and doubtless thought the Ryots' complaints were greatly exaggerated, and that if he took up such complaints he would materially interfere in securing the required increase, and thus perhaps jeopardize his own appointment. Mr. Rice is now an old man, nearly sixty, has hitherto borne an unblemished character, has held important trusts, was formerly a Proprietor of Indigo Factories himself, and I cannot suppose that he would now in his old age for a few hundred Rupees lend himself to such extraordinary frauds as those practised by the Meer Gomashtah. In consequence of his not having taken up the Ryots' complaints, and his having passed the objectionable orders he did, as noted in paragraph 8, the Ryots of the Ancoorah Factory Elaka thought he was in league with the Meer in his extortions, and made them determine to get rid of him in the manner they did on the 24th February last, the day after the Meer had himself been so severely beaten.

25. Having been directed to investigate and report upon the causes which led to the origin of these disturbances, I have taken all proceedings in English, some of which I now forward for the perusal of His Honor the Lieutenant-Governor of Bengal. Non-proven cases I have

retained, considering that the Meer Gomashtah was the root and real cause of all these disturbances. This day (15th ultimo,) Mr. Yule as Sessions Judge sentenced sixteen of the principal men concerned in the attack of Mr. Lyon, of the Bunnyagaon Factory, to various periods of imprisonment. I remanded the said Meer to Hazut, where he now is, pending the Lieutenant-Governor's order on this Report.

26. It will be very difficult now to ascertain the real parties who attacked the Meer, on the 23rd February last, and if the case be tried *de novo*, I think it is very doubtful if any would be convicted. The evidence given before me both by the Police and the Factory servants is very contradictory. There is no doubt the former arrived after the whole affair was over, and the latter although they say they were present close to the Dufturkhanna, and saw all they deposed to before me, I do not credit, for their statements are most contradictory, and it is not likely that they would have remained at the Factory, unless hid in some out of the way place, when they saw a large crowd of people coming armed with sticks evidently bent on killing the Meer, and ill-treating all the Factory servants who had oppressed them. The Meer got a most severe thrashing, and was probably left for dead; he was laid up for nearly two months, having received six severe cuts on the head, his right elbow dislocated, some bones on back of each hand more or less injured, caused probably by blows of Páinás whilst protecting his head, and bruises all over his body. Páinás are sticks about three feet long, about three-fourths of an inch thick, used by Chassas for goading cattle when ploughing. Although the Ryots and Complainants have named only the Meer, I am of opinion that others were concerned with him in his extortions on the people; he never would have had the hardihood I think of going the lengths he did, unless backed by some of the other Factory and Mehal Gomashtahs, but of this I could not procure any proof. Since the Meer has been in Hazut he seems inclined to disclose everything, now that his co-partners have thrown him aside. He fears however that such disclosures would seriously implicate himself, and he is deterred on that account from telling everything. He admitted to Mr. McLeod a few days ago that he was not alone in the extortions put down to him. He had *himself* collected only 280 Rupees from the Ryots, of which amount he had given 40 Rupees to the head Naib of the Aurungabad Concern. There is however sufficient evidence

against the Meer in the proceedings held before me to prove that he extorted several sums from the Ryots, should the Lieutenant-Governor decide that Meer Tuffuzzul Hossein be tried for the same.

27. With regard to the riotous and armed assemblages of the Ryots on the 26th and 27th February last, the three men who headed the same and were in fact the chief instigators of such have been convicted and imprisoned for having been concerned in the attack on Mr. Lyon at Bunnyagaon, one to seven, and the other two, each to five years' imprisonment with labor in irons. I do not therefore think it would be desirable to institute any further enquiry as to who were the other delinquents, especially as the people are now settling down duly warned by the risks they themselves ran of receiving like punishment.

28. The Kalapanee Division of the Aurungabad Concern had suffered very severely in consequence of this outbreak, not having cultivated one-third of what it had done in previous years, and I have no doubt Mr. David Andrew will for his own interests have a thorough remodelment of his Establishments, discharging all such as may have been implicated in any way with his late Gomashtah Meer Tuffuzzul Hossein, in his extortions and oppressions on the Ryots of this Concern, both Zemindaree and Factory; also those who assisted in creating the ill-feeling against the Concern prior to the attack on the Meer, by forcing his Ryots to give ploughs for Indigo at a time when they required some for their own cultivation, and not even paying a fair equivalent for the forcible loan of such ploughs; cutting down bamboos, trees, taking grass, and other property of the Ryots against their will, and not paying for the same a fair market value; besides these, there are many other points which might be enumerated as having caused discontent, such as not giving Hatchittas to Ryots at closing of Indigo accounts. Should the Ryot have any Phazil due him, he was told that such would be carried to credit of his Rent Account; such Phazil however by the collusion of the Factory and Zemindaree Amlah, was generally taken by them, and the Ryot cheated out of the same, and the latter made to pay his rents in full. Again as to the price of articles taken from the Ryot, he would be told he would get credit for same in his Rent Account, if he got anything, it would be at the *Factory Nirikh*, which of course was less than the market value; perhaps the Ryot might have kept such article in order to raise money thereon for some particular purpose by the Factory, taking such article

at its own price and not paying for the same *at the time* he would have to borrow money at a heavy rate of interest to carry out what he wanted. Land would be taken from a Ryot for Indigo as soon as a rich deposit had formed thereon, and some inferior land given to the Ryot in lieu of his own; *vide* Mr. Rice's statement paragraph 7, as to the Gopalnuggur Village land. I have however already extended this Report too much beyond its legitimate purpose. I have every hope that these several causes for discontent will be effectually taken in hand by the Indigo Commission now sitting, and that matters will be put on a more satisfactory footing between Planter and Ryot than they are up here at present.

Memorandum of Documents herewith forwarded.

Letter No. 191, dated 15th March 1860, from the Joint Magistrate, Moorshedabad, to the Assistant Magistrate, Jungypore.

Letter No. 209, dated 20th March 1860, from the Joint Magistrate, Moorshedabad, to the Assistant Magistrate, Jungypore, forwarding two letters from Messrs. McLeod and Lyon, both of the 17th March 1860.

Roobookarree from Baboo Shreesh Chunder Viddyarutna, Deputy Magistrate, to the Joint Magistrate of Moorshedabad, dated 19th February 1860.

Roobookarree from Baboo Shreesh Chunder Viddyarutna, Deputy Magistrate, detailing what he saw on the 1st March 1860.

Roobookarree from Baboo Shreesh Chunder Viddyarutna, Deputy Magistrate, to the Joint Magistrate of Moorshedabad, dated 5th March 1860, forwarding Razeenamas filed by Mr. David Andrew's Mookhtars, and Mr. Andrew's Ryots.

Mr. T. B. Rice's explanatory statement, dated 18th May 1860, to Mr. Officiating Deputy Commissioner B. Wood.

Mr. T. B. Rice's deposition on oath before Mr. Wood, Officiating Deputy Commissioner, dated 24th and 25th May 1860.

Mr. A. D. McLeod's letter to Mr. Wood, dated 26th May 1860.

Mr. Wood's Proceedings and Deputy Magistrate's, will be forwarded by Dawk Banghy.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3160, dated the 12th June 1860.)

SIR,

IN continuation of my letter No. 3019, dated the 8th instant, I am directed to forward to you a copy of a further communication from Mr. Browne Wood, in charge of the Aurungabad Sub-Division, dated the 6th idem, containing a report of the result of his enquiry into the causes of the late disturbances in the neighbourhood of the Ancoorah and Kalapanee Factories in that Sub-Division.

2. Mr. Wood's letter of the 30th May last was understood to be the Report on the Ancoorah Factory case promised in paragraph 11 of his previous letter of the 5th idem, No. 97, and as no allusion was made to any further enquiry having been instituted into the circumstances stated in connection with the occurrences at that Factory, and Mr. Wood had applied for permission to return to Rajmehal, it was concluded that this was his final Report. Hence the remarks in paragraphs 4 and 5 of my letter of the 8th instant, which Mr. Wood's present Report shows were unmerited, and which the Lieutenant-Governor has much pleasure in cancelling by placing on record the expression of his unqualified satisfaction with the whole of Mr. Wood's proceedings in conducting the difficult and important duties which devolved on him while in charge of the Aurungabad Sub-Division.

3. Orders have already been issued for the adoption of criminal proceedings against Meer Tuffuzzul Hossein, late Gomashtah of the Ancoorah Factory, and against all his aiders and abettors in the oppressions practised upon the Ryots of that Factory which have been brought to light in the course of Mr. Wood's investigation. No pains must be spared to obtain the most reliable evidence against all, and a sufficient number of District cases should be separately brought against the Meer to ensure on the whole his receiving adequate punishment for his systematic wickedness and the same course should be pursued against all concerned with him.

4. It does not appear from Mr. Wood's Report that any person of superior position in the Factory to the Meer can be specifically connected with any of his offences. So far as criminal proceedings are con-

cerned therefore, prosecution must be confined to this man and his accomplices. But it should be explained to those who have suffered that it is for all persons injured by the acts of the servants of the Owners of this Factory, done by them in their capacity of servants, and rendered possible only by the power they had by reason of their being so, within the knowledge of and unchecked by Manager or Owner, to take advice as to their prospects of obtaining redress in the Civil Courts.

5. With reference to the statement contained in paragraph 21 of Mr. Wood's Report that the attack on Mr. Lyon's Factory might have been prevented had Mr. Furrell, the Officer in charge of the Sub-Division, taken prompt action on receipt of Mr. Joint Magistrate Alexander's communication to him, No. 191, dated the 15th March last, relative to the hostile feeling exhibited by the Ryots in that neighbourhood, I am desired to request that Mr. Furrell may be called upon to explain his conduct.

6. With advertence to the general contents of Mr. Wood's letter, I am desired to observe that the prolonged existence of such a state of things as is there disclosed, without the slightest attempt to remedy or check it on the part of the Police Authorities, is in various degrees discreditable to the official characters of all concerned; to the Police Burkundauzes and the Darogahs who knew of it; to the Sub-Division Officers and Magistrates who ought to have known it, and to the Commissioner who, as Superintendent of Police, passed over such laxity of administration unnoticed.

7. In paragraph 2 of my letter No. 1766, dated the 14th April last, your predecessor was desired to enquire into and report on the conduct of the Deputy Magistrate Baboo Sreesh Chunder Vidyarutna in the Ancoorah case. The Lieutenant-Governor hopes to receive from you an early report on this subject.

8. The Lieutenant-Governor also desires to be informed of the orders which may have been passed respecting the Police of all the Thannahs concerned. Every effort should be made to procure the services of respectable men as Darogahs and Naib Darogahs to replace the Darogahs and Mohurirs of the old school as fast as these last are dismissed for proved misconduct. The new rates of pay ought to enable efficient District Officers to make striking improvements in this respect; and cases of this sort where a very general dismissal from the service is indicated as the

only sufficient measure of correction, afford good opportunities for carrying out this object.

No. 3161.

EXTRACT, paragraphs 1 and 2, forwarded to Mr. B. Wood for information.

From BROWNE WOOD, ESQ., Officiating Deputy Commissioner, Sonthal Pergunnahs, in charge of the Jungypore Sub-Division, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 140, dated the 7th June 1860.)

SIR,

HAVING completed the duty on which I was deputed, I would now solicit His Honor the Lieutenant-Governor's sanction to my being permitted to return to my own Division. Mr. Furrell having been appointed Officiating Joint Magistrate and Deputy Collector of Rajshahye, left this on the 4th instant. I perceive that Mr. Man has been appointed to this Sub-Division, but as I know not how soon he may reach this, I would request your instructions as to whether I am to await that Officer's arrival, or leave at once for Rajmehal, there being no cases of importance now pending here.

2. I think I may safely say that Troops are no longer required in this Sub-Division, and, as the rains will be soon setting in, I would propose that the Detachment of the 3rd Bengal Police Battalion be directed to join Head-Quarters.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to BROWNE WOOD, ESQ., Officiating Deputy Commissioner of Sonthal Pergunnahs, on Special Duty at Aurungabad,—(No. 3167, dated the 15th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 140, dated the 7th instant, and in reply to state that you have the Lieutenant-Governor's permission to proceed now to Rajmehal to join your appointment as Officiating Deputy Commissioner of the Sonthal Pergunnahs.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3166, dated the 15th June 1860.)

SIR,

I AM directed to forward to you the accompanying copy of a letter* from Mr. Browne Wood, the Officer in charge of the Jungypore Sub-Division, and, with reference to his second paragraph, to request that you will be so good as to state whether the services of the Detachment of the 3rd Police Battalion on duty at Aurungabad are still required in that Sub-Division. Mr. Browne Wood has received the Lieutenant-Governor's permission to proceed to Rajmehal to join his own appointment.

No. 140, dated 7th June.

From BROWNE WOOD, Esq., Officiating Deputy Commissioner, Sonthal Pergunnahs, in charge Jungypore Sub-Division, to the Secretary to the Government of Bengal,—(No. 144, dated the 11th June 1860.)

SIR,

WITH reference to your letter No. 3019, of the 8th instant, to the address of the Commissioner of the Rajshahye Division, copy of which you were pleased to forward for my information, I have the honor to inform you that my Report of the 30th ultimo was with reference to the *causes* which in my opinion had led to the *attack on Mr. Lyon* at Bunnyagaon on the 23rd March last, and was quite irrespective of my promised separate Report on the Ancoorah and Kalapanee outrages, and the complaints of the Ryots against the people of those two Factories, as noted in paragraph 11 of my first Report of the 5th ultimo.

2. I regret to find that His Honor the Lieutenant-Governor of Bengal, evidently thinking that my second Report in continuation of my first, relative to the attack on Mr. Lyon, was my final one on the whole subject of these late disturbances, came to the conclusion that I had been greatly wanting in not having fully investigated the serious charges brought against Mr. David Andrew's Factory people, for which special duty I had been deputed to this Sub-Division. I trust my Report of the 6th instant, posted on the 7th, probably reached you on the 9th, the day after despatch of your letter No. 3019, of the 8th instant, will have proved to His Honor how far I have succeeded in my endeavours to trace out the true causes as to the origin of these late disturbances in the Aurungabad Sub-Division.

3. Having, in paragraph 11 of my letter of the 5th ultimo, said I would submit a separate Report on the Ancoorah case, I did not think it necessary to repeat the same in my second Report of the 30th ultimo; my not having done so however must have led the Lieutenant-Governor to suppose that the second was my final Report.

4. I have the honor, with reference to the alleged Report of Tekkoa Chowkeedar on the 23rd February last, to the effect that the Manager of the Ancoorah Factory, Mr. Rice, with his Factory people had surrounded the village of Mumrazpore for the purpose of plundering it, to state that this Report was a mere fabrication, as the said Chowkeedar gave one statement before the Police, another before the Deputy Magistrate, and a third before myself, and all differing from each other, as you will find by referring to his depositions filed with the Ancoorah case, and the Darogah's Report herewith forwarded, and which I would also request the favor of your filing with the Proceedings previously sent. The Darogah did not transmit this Report to the Magistrate of Moorshedabad until *after* his return from the Ancoorah Factory, and *after* he had got particulars of the wounding of the Meer Gomashtah. There was not a particle of truth that Mr. Rice was anywhere near the Village of Mumrazpore on the 23rd February last. The story of intended plunder was evidently got up so as to give some pretext for so many Ryots collecting that day in the manner and for the purpose they did. Had Mumrazpore been threatened, why should the other Chowkeedars who were at the Thannah when Tekkoa gave in his Report proceed direct to the Ancoorah Factory instead of to the Village threatened? *vide* their evidence filed with the Ancoorah case.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to BROWNE WOOD, ESQ., in temporary charge of the Sub-Division of Jungypore,—(No. 3217, dated the 18th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 144, dated the 11th instant. You will already have learnt that your final Report No. 137, upon the disturbances in the Aurungabad Sub-Division, was received the day after the despatch of my letter to the Commissioner of Rajshahye, No. 3019, dated the 8th idem, of which a copy was furnished to you; as was also a copy of my letter No. 3160, dated the 12th instant, in which it was explained that the previous orders were passed under a misapprehension and full justice was done to your exertions.

From H. M. REID, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 966, dated the 15th June 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 3019, dated the 8th instant, and, with reference thereto, I beg to annex, for the information of His Honor the Lieutenant-Governor, copy of a letter addressed by me to the Officiating Magistrate of Moorshedabad, No. 936, dated the 11th instant, and of the Magistrate's reply, No. 606, of the 13th idem, on the subject of his at once proceeding in person to the Jungypore Sub-Division to make a thorough investigation into the charges adverted to in your communication under reply.

2. I have instructed Mr. Robinson, in reply, at once to carry out his proposal of making over charge of his Treasury, and of the current duties of the Collectorate, to his Assistant, Mr. H. Kean, as a temporary arrangement, and to proceed himself at once to the Head-Quarters of the Aurungabad Sub-Division, to complete the necessary enquiries on the spot, and to retain in his own hands the immediate charge of the Sub-Division until relieved by Mr. Deputy Magistrate Man, or by such other Officer as may be appointed in Mr. Man's stead.

3. Mr. Robinson anticipates that the enquiry will occupy about two months; and I would beg to recommend, therefore, for the favorable consideration of His Honor the Lieutenant-Governor, that an additional Officer, with the full powers of Magistrate and Collector, may be posted to the Sudder Station of Moorshedabad, to aid in the disposal of the pending work, which is considerably in arrear, especially in the Revenue Department. The present staff of Officers at Head-Quarters consists, in addition to the Officiating Magistrate and Collector, of the Joint Magistrate and Deputy Collector, the Assistant with common powers, one Deputy Collector with Revenue powers only, and two Deputy Collectors, one with special powers and the other with common powers of an Assistant Magistrate. The three latter Officers are Natives; and I would suggest that an European Deputy Magistrate and Deputy Collector be appointed. Mr. H. Davies, who is at present at Pubnah, is available for the purpose; and in the event of his being appointed he would relieve Mr. Millett, the Joint Magistrate and Deputy Collector, of a considerable portion of the Magisterial cases, which arrangement would admit of Mr. Millett devoting some portion of his time to Collectorate duties, and of his exercising a general

supervision over the several Revenue Officers during Mr. Robinson's absence.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Magistrate of Moorshedabad,—(No. 936, dated the 11th June 1860.)

SIR,

I HAVE the honor to annex, for your information and guidance, copy of a letter from the Secretary to the Government of Bengal, No. 3019, dated the 8th instant, and of its enclosure, from Mr. B. Wood, Officiating Deputy Commissioner, Sonthal Pergunnahs, dated the 30th ultimo; and, with advertence thereto, I beg to desire that you will lose no time in making a diligent and searching enquiry into the charges of oppression which have been adduced against the Factory people of the Aurungabad Sub-Division, and that you will use your best endeavors to elucidate the true facts of each case, and to bring the guilty parties to justice.

2. The cases particularly noted for enquiry are those enumerated in the 4th, 5th and 6th paragraphs of the Government letter; and you will, in addition to them, try and report upon any others which may have already been instituted, or may subsequently be so. The papers of the cases alluded to in the Government 4th paragraph should be called for from Mr. Wood, should they not have already been returned to you by that Officer.

3. To enable you to complete the necessary enquiry in a satisfactory manner, and without further unnecessary delay, I would suggest the propriety of your proceeding at once to the Sub-Division of Aurungabad, and making the enquiry on the spot. Mr. Man, the Officer newly appointed to the charge of the Sub-Division, only holds special powers; and, though he has been doing good service of late in the Pubna District, you will, I trust, find him a willing and energetic Subordinate. He is perhaps not sufficiently experienced at present to have entrusted to him the immediate conduct of the important enquiry now directed to be made.

4. Should you be of opinion that the services of an extra Officer are urgently required at the Sudder Station, as a temporary or permanent arrangement, I request you will be so good as to report to that effect, stating the description of Officer whom you would prefer to be appointed.

5. In conclusion, I cannot too strongly impress upon you the duty which devolves upon you of diligently tracing out and punishing the

offences which have been the cause of the late disturbances, and of prosecuting all offenders with the utmost rigor, in the manner indicated in the 7th paragraph of the Government letter.

6. Copy of the 5th and 6th paragraphs of Government letter, to the address of this Office of the 17th March last, is also appended for your information and guidance.

From W. L. F. ROBINSON, ESQ., Officiating Magistrate of Moorshedabad, to the Commissioner of the Rajshahye Division,—(No. 606, dated the 13th June 1860.)

SIR,

I HAVE the honor to acknowledge the receipt, this morning, of your letter No. 936, of 11th instant, and, with reference thereto, to state that I am ready to proceed to Jungypore at once, as soon as arrangements are made for carrying on the work here. You ask me if I think another Officer is absolutely required here, and I have the honor to reply that I do consider it absolutely necessary to have some one here as Collector, unless things are to remain as they are until I have done with the work at Jungypore, and there is no saying when that will be.

2. The only Officer to leave in charge of the Collector's Office is Mr. Kean, an Assistant without special powers even; and you are aware that, as matters stand, the arrears in the Office are very heavy. Mr. Millett, the Joint Magistrate, has quite enough to do with the Fouzdaree, and he will besides have to hear reports from all this side of the District during my absence at Jungypore, so that his time would (I speak from experience) be fully occupied.

3. The cases at Jungypore will be heavy ones, and require time to bring them to a satisfactory termination; it is impossible to say what time, but I should certainly think two months would not be an unreasonable period to calculate upon.

4. The case against Mr. Masseyk I have here. I called for it soon after joining from Mr. Furrell. The papers are already about two feet in height; and I found that only five or six Defendants had been sent for, of whom only one was in attendance. I went through the papers and issued warrants for the arrest of as many others as there seemed a *primâ facie* case against, several of whom have been sent in; but though I sent notice to the Plaintiff, he has not yet come, and it was my intention to have proceeded myself to Jungypore on Sunday next, to have enquired as to the cause of this.

5. The case, I think, should most certainly be tried as near the place as possible; and I should myself have proceeded to the spot to do so in May, had I not been tied down by the Collectory work.

6. I do not know when Mr. Man may be expected to relieve Mr. Wood, but I know that the latter's presence is very much wanted in the Sonthal Pergunnahs; and I would propose, should you think it desirable, to proceed at once and take over charge of the Sub-Division of Jungypore myself, leaving Mr. Kean in charge of the Collector's Office here, pending the arrival of another Officer. The Collectory is the difficulty, for that is work which I cannot take with me to Jungypore, and there is no one elsewhere to whom to transfer it.

7. Requesting as early a reply to this as possible.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3365, dated the 26th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 966, dated the 15th instant, reporting that you have directed the Officiating Magistrate of Moorshedabad to proceed to the Aurungabad Sub-Division to complete the enquiry begun by Mr. Browne Wood into the cases of oppression said to have been practised on the Ryots by the Factory people.

2. Mr. Robinson will find that a great part of the enquiry has been completed by Mr. Wood, and that perhaps all that remains to be done will be to adopt Criminal proceedings against the guilty parties to bring the cases to a satisfactory termination. It is to be hoped, therefore, that Mr. Robinson will not be nearly so long delayed at Jungypore as he anticipates. In compliance, however, with the recommendation contained in the last paragraph of your letter, Mr. Deputy Magistrate H. Davies, who exercises full powers, has this day been appointed to the District of Moorshedabad. This arrangement the Lieutenant-Governor trusts will be found sufficient for the requirements of the District during the time Mr. Robinson may be employed on the special duty above referred to.

No. XXXIV.

Abstract Translation of a Petition from certain Inhabitants of Zillahs Nuddea and Jessore.

STATE that being highly oppressed by Mr. White, Mr. Furlong, and other Indigo Planters in the Districts of Nuddea and Jessore, they made repeated complaints to the Local Authorities, on which these oppressions were checked to some extent for a few days, and the Petitioners were engaged in making their cultivation for their maintenance. The Petitioners have now, for about a month, been subjected to the oppressions practised by the Hakeems, in combination with the said Planters, and they have come to the Lieutenant-Governor to make their representation.

That the Lieutenant-Governor is doubtless aware of the outrages committed upon them, in connexion with the cultivation of Indigo. That the Indigo cultivation cannot be classified among the services which a subject is required to render to the State. It is a sort of trade, and a transaction between creditors and debtors, which must be done with the consent of both parties. If the Petitioners or their ancestors, owing to the good conduct of a Planter, or under some obligation to him, undertook to cultivate Indigo, there is no such agreement that they, during their life time, and their heirs would forsake their other professions and be exclusively employed in cultivating Indigo. That the Petitioners are Farmers, and that they live upon their crops which they make by bodily labor. That the Indigo cultivation subjects them to great loss which they are no longer able to suffer, and they, being Her Majesty's subjects, cannot serve any more as slaves of the Planters without any remuneration.

That although the Indigo cultivation cannot be reckoned as service required to be done to the State, and although the existing regulations provide for the recovery of Indigo advances, a very severe one-sided Law has been passed by the Supreme Council on the subject of the Breach of Contract. This Law, which is in accordance to the wishes of the Planters, is highly injurious to the interests of the Petitioners. Nevertheless, should justice be administered in strict accordance with the new Law, the Petitioners would have no ground to complain; but

as no justice is done to them, their life and property are in danger and they have therefore come to the Lieutenant-Governor to represent their grievances in the following :—

1*st*. That the Police Darogahs, like the domestic servants of the Planters, accompanied by the Lattials in the employ of the latter, seize some of the Petitioners, sometimes on the pretence of a false charge, and sometimes on no pretence whatever, assault and confine them in the Factory Godown, and afterwards release them. They say that they had instructions from the higher Authorities, and that unless the Petitioners submitted to the Planters they will be turned out from their habitations.

2*nd*. That up to this time not one of the cases instituted by the Planters under the new Law has been decided in strict accordance with the provisions of that Law. Just on the receipt of a Petition presented on behalf of the Planters, the Defendants are summoned, and on the latter attending the Court, case is decided in favor of the Planters within one or two or at most three days. The Defendants are not required, as usual, to submit written defences, and their witnesses are not called for, nor their depositions taken. One or two verbal questions are put to them, and the depositions of two or three Ameens on behalf of the Planters being taken to the effect that they called upon the Ryots for the payment of their dues, a decree is immediately awarded, and the Ryots are imprisoned in Jail. The Hakeems, surrounded by the Planters, sit along with them while deciding cases, and the Court is crowded with Amlahs and Mooktears of the Planter. There is not a soul on behalf of the Petitioners, and should any person go, he is confined in Hajut or in Jail on a false charge got up against him.

3*rd*. The cases instituted under the new Law are for the recovery of debts. They are not charges for serious criminal offences, nevertheless the Petitioners are detained in the custody of the Sepoys without any food.

4*th*. The Petitioners are Farmers, and do not know how to carry on their cases. Nobody ventures to become their Mooktear, for Teetoram Chuckerbutty, who practised as a Mooktear on behalf of the Ryots, has been sentenced to six months' imprisonment, and a fine of 200 Rupees on a false charge. In like manner another Mooktear, Kadarnath, has been confined in Jail under sentence of three months' imprisonment.

All Mooktears and respectable presons have left the District of Nuddea.

5*th*. The Planters who exercise a great influence in the Court, by means of instituting several false cases which are not cognizable under the new Law, have succeeded in having several innocent persons imprisoned, and there being no Sessions Judge in Zillah Nuddea, no appeals against these decisions are made. The prisoners also see no means of appealing to the Sudder Court, as the Magistrate refuses to give them copies of his proceedings. The Ryots are unable to petition the Mofussil Authorities, for if they go to present their Petitions they are instantly imprisoned on a false pretence.

6*th*. Under the new Law if a Ryot, after taking Indigo advance and executing an agreement, neglects to fulfil his contract, he will be liable to punishment. But the Indigo Planters not being able to produce any genuine agreements for the current year are instituting suits by means of fabricating agreements and falsifying their own advance account books; and the Magistrates consider these documents to be valid, and without listening to the arguments of the Ryots, award decrees and imprison the Ryots. The Darogahs who are deputed to the Mofussil on false pretences enter their houses, carry away their females, and subject them to great dishonor and hardship. The Petitioners have no means of making their complaints to any body, and if any person goes to complain, he is kept in confinement and subjected to great hardship.

7*th*. These oppressions are practised in the Mofussil, and the country is about to be ruined owing to the injustice done by the Police Amlah and the Magistrates. The Petitioners are neither thieves nor dacoits, they are Her Majesty's subjects, and they do not know what fault they have committed, so as to be dishonored and to meet such harsh treatment in the hands of the Mofussil Authorities. If the Mofussil Authorities are determined to get Indigo cultivated for the Planters, they can do so in the Petitioners' land which are sown with paddy; but they should be prevented from destroying the religion and life of the Petitioners. If no such orders are issued within a day or two to the Authorities in Nuddea and Jessore, it is certain that many Ryots will lose their life, honor, and property for no fault. The Petitioners make this representation on oath, and declare that not one of the statements therein contained is false.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 1913, dated the 25th April 1860.)

SIR,

I AM directed to forward to you in original the accompanying Petition, with an abstract translation made in this Office, from certain Inhabitants of Nuddea and Jessore, complaining of the oppressions practised upon them by Indigo Planters, and containing certain allegations against the Magistrates of those Districts, and to request that you will make an enquiry into the statements made in the Petition, and report the result for the information of the Lieutenant-Governor.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 1967, dated the 27th April 1860.)

SIR,

WITH reference to the Petition presented to this Office by certain Inhabitants of Nuddea and Jessore, which accompanied my letter No. 1913, dated the 25th instant, complaining of the oppressions practised upon them by the Indigo Planters in those Districts, I am directed by the Lieutenant-Governor to request that you will cross-examine the Petitioners, and endeavor to ascertain what, if any, specific acts they have to complain of, explaining to them the uselessness of making vague and general complaints which can never be substantiated. If you can elicit from them anything sufficiently specific to be susceptible of enquiry, with a view to a practical result, you will be so good as to take such measures as you may think best to ascertain the facts.

2. You should, the Lieutenant-Governor thinks, take this opportunity to disabuse the Petitioners of any idea they may have of their being obliged, whether they contract or not, to cultivate Indigo for Planters. The Law leaves all who have not contracted to sow Indigo this year to do as they please; but it insists that those who have contracted to do so, should honestly fulfil their contracts. And in this the Law is just to all parties, and interferes with the rights of none. Those who have contracted to sow this year should honestly sow this year; but a contract to sow this year does not oblige them to contract to sow next year, or any future time, and if there is a dispute on the question of fact as to

whether they have contracted to sow this year, and taken a cash advance or not, they must for this year submit to the decision of the Magistrates, who will endeavor to do justice to both parties.

3. You will also have the goodness to intimate to the Petitioners that, before the time for sowing comes again, a Commission of Enquiry will have met to hear all complaints and to ascertain all circumstances connected with the practice of Indigo cultivation. When that Commission reports to Government, Laws and Regulations will be made in this matter to ensure full justice to Ryots and to all concerned, and which will afford satisfaction to all who have any just complaint to make.

4. Meanwhile, the Ryots must conduct themselves properly. Those who have contracted to sow Indigo this year and have taken a cash advance for the purpose should sow Indigo without complaint. And when the Magistrate decides that a Ryot has so contracted, that Ryot should submit to the decision. Whatever is the case this year, he will have nothing to complain of after this season is at an end, as he may then contract or not, as he thinks best for himself.

5. I am to request that you will enquire into the case of Kadarnath, a second Mooktear of the Ryots, who appears to have been imprisoned. The Mooktear, Teetoram Chuckerbutty, is doubtless the one whose release has just been ordered.

From A. GROTE, ESQ., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 113Ct., dated the 28th April 1860.)

SIR,

IN reply to your letters Nos. 1913 and 1967, dated respectively the 25th and 27th instant, I beg to state, for the information of His Honor the Lieutenant-Governor, that I have personally examined the Petitioners named in the margin, but without being able to extract anything more specific than what is stated in the Petition. I have, however, sent the Petition to the Magistrates of Nuddea and Jessore, with certain notes of my own on particular passages which seem to call for explanation.

Sadhoo Mundle.
Mahomed Manik.
Sheikh Koodruttoolah.
Mallo Mundle.
Hossabuddee Joarda.

2. There is no doubt that the proceedings in the breach of contract cases have been too summary. I have remarked to this effect on

several decisions which have come before me. The Mooktear's conviction, too, must have had for a time the unfortunate effect here described; but I have desired the Magistrate, on releasing him, to encourage him to go back to Damoorhoodah and resume the conduct of the Ryots' cases.

3. I have already endeavored to correct the mis-impression referred to in the 2nd paragraph of your letter No. 1967, dated 27th instant, which I found prevailed in Thannah Hardee, as will be seen by the annexed copy of my letter, dated 23rd instant, No. 134Ct., to the Magistrate of Nuddea. I have now communicated the purport of your present letter to Petitioners, and dismissed them to their homes.

4. There is one prayer in the Petition which I should recommend compliance with. On my return from Kishnaghur at the beginning of this month, I ventured to suggest that a temporary incumbent should be appointed to the Nuddea Judgeship. The Petitioners point out that illegal proceedings have taken place under the cloak of the New Act, and that they have no remedy in the absence of a Judge.

5. I presume the Special Commissioners will soon be appointed. The opening of the proceedings of this Commission will, I think, have a good effect in removing uneasiness on the part of those who overlook the temporary character of the coercion sanctioned by the New Act.

From A. GROTE, ESQ., Commissioner of the Nuddea Division, to the Officiating Magistrate of Nuddea,—(No. 134Ct., dated the 23rd April 1860.)

SIR,

IT has come to my knowledge that some of the Ryots in the Hardee Thannah have expressed surprise at the provisions of the New Act, which they find a difficulty in reconciling with the purport of the late Government Orders on the Joyrampore Petition, which was officially explained to them.

2. But this difficulty must be owing to their not fully understanding the New Law, which really leaves the question of option to cultivate Indigo where it has always been. It only coerces those Ryots who have barred themselves from the exercise of that option by entering into contracts. Such men, as Government Orders repeatedly pointed out, were bound to fulfil the obligations which they had come under, and they were now by Law *coerced* into fulfilling them. The

Ryot who has made a contract need not fear the coercive process, for it cannot be brought to bear on him until the Planter shall have sued him and proved him to be under a contract.

3. Mr. Tayler should do his best to explain this where he finds that the objects of the New Law are imperfectly understood. Elsewhere there would not appear to have been so much misapprehension of them.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2211, dated the 5th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your predecessor's letter No. 113Ct., dated the 28th ultimo, reporting the proceedings adopted by him in regard to the Petition from certain Inhabitants of Nuddea and Jessore, complaining of the oppression practised upon them by Indigo Planters, and in reply to inform you that they are approved by the Lieutenant-Governor.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to PIERCE TAYLER, ESQ.,—(No. 2181, dated the 5th May 1860.)

SIR,

I AM directed to request that as soon as you have concluded your proceedings in connection with the Compensation Commissioner, you will be so good as to proceed to Kishnaghur to officiate as Judge of the Nuddea District, until the return of Mr. Littledale.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2283, dated the 9th May 1860.)

SIR,

WITH reference to paragraphs 2 and 3 of your predecessor's Report of the 28th ultimo, No. 113, I am directed to state that an opportunity should be taken to explain to the Mooktear, who was unlawfully sentenced to imprisonment, but was released and encouraged to return to Damoorhoodah to defend his Clients, the purport of the Lieutenant-Governor's remarks conveyed in my letter No. 1967, dated

the 27th ultimo. It should be impressed on him how important it is for their own interests that his Clients should be prudently advised at this juncture, and how injurious to them it will be if, having actually taken advances for this season's cultivation, they are induced to act otherwise than in conformity with the Law in respect to the fulfilment of their contracts. If he has advised Ryots not to sow Indigo who have admitted to him that they have taken advances to do so, he has advised them a course which must be ruinous to them, and cannot in any way better the future prospects of themselves or the class to which they belong. The Mooktear, and all others in his position, should be urged to endeavor to impress this view of the case on their Clients.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 193Ct., dated the 24th July 1860.)

SIR,

I HAVE the honor herewith to return the Abstract Petition forwarded with your letter No. 1913, dated 25th April last, and which was in accordance with my predecessor's remark in paragraph 1 of his letter No. 113Ct., dated 28th idem, forwarded to the Magistrates of Jessore and Nuddea for report.

2. Their reports, copies of which are enclosed, have only just been received by me.

3. As many of the complaints referred to in the Petition have since been separately taken up and disposed of, it would appear unnecessary again to go over the ground and to remark for a second time, that there can be no doubt that the suits under Act XI. were not properly adjudicated on the first introduction of the Act, and that injustice was practically committed in consequence. As these errors were discovered, however, proper pains were taken to correct them, and there was a general desire on the part of all Officers trying these suits to arrive in each instance at a right and proper conclusion.

4. The charges of arbitrarily locking up Ryots in godowns, issuing Warrants under Act XI. when a Summons was sufficient, imprisonment of Ryots on false charges to prevent their lodging complaints, and the oppression of Police on females under color of executing orders issued under false sentences, are emphatically denied by the Magistrates of

both Districts, and considering that the Petitioners themselves were unable to state anything explicit when examined on this Petition by my predecessor, the Lieutenant-Governor will not perhaps think it necessary that I should enter into any further details.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 131, dated the 29th May 1860.)

SIR,

I HAVE the honor to inform you that, in compliance with your request, I have this day received from Mr. Herschel, the Petition alluded to in your letter No. 157Ct., dated the 28th ultimo.

2. Most of the allegations, I perceive, apply to the Nuddea District; the general ones against the Police are, I believe, utterly without foundation; no complaints of any oppression have been preferred to me.

3. The Summons process has been invariably adopted in cases under the New Law for Breach of Contract, and the answer of the Defendants have been written down, when they have not prepared written pleadings; the manner in which the cases have been disposed of will be known to you.

4. The general charges against all Magisterial Officers of the two Districts are, I imagine, false. They are so certainly as far as I am concerned.

No person has been refused a copy of any proceedings of my Court.

I beg to return the Petition herewith.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. 225, dated the 21st July 1860.)

SIR,

I HAVE the honor to submit the Report called for in the Petition of the Ryots of Jessore and Nuddea.

2. That I have delayed it so long will I fear be taken as an indication that the Petition has some truth in it. But I have had the replies from my Subordinates lying by me ever since a week after they were called for, so that for the delay I alone am responsible.

3. I confess that I have not felt very eager to answer the Petition. What grounds of complaint did exist had been fully brought before your predecessor with far more accuracy than in the present Petition. As

far as lay in my own power they had been met and corrected and in common with others my own errors were being closely checked by higher authority.

4. While admitting therefore that there existed a cause of dissatisfaction, I felt also that every thing was being done which could be done to remove it. To answer the Petition by general denials would have been unfair, and I really had not time to withdraw from the incessant conflict around me to give it a fair consideration.

5. Looking at the Petition now, I find it, like the Petition of the Jadobpoor Ryots, vague and in some cases directly opposed to facts, and it is therefore impossible to meet it otherwise than by denials and as against the Petition, I trust they will be allowed full weight.

On the first issue of the New Law it certainly was very generally understood by the Police to signify that Indigo was to be sown this year just as usual, and although the meaning of the words "Cash advance" very speedily got known, the proviso was such a clog on all attempts to adopt general measures that it was practically put out of sight, and if possible it would have been shirked. But the Ryots had perceived their advantage and used it. I early noticed that the Police generally were attempting to override the Law by expounding it in their own way to mean simply "sow."

(See original complaint.)

But I had no reason, judging from the complaints laid before me, to suppose that any thing beyond verbal influence was being used by the Police.

Mr. McNeile says—

"I have to state that no case has come to my notice in which Villagers, arrested by the Police, have been confined in Factory Godowns except where they have been so placed under my own direct orders, pending the trial of the charges brought against them. I have upon some occasions, for want of any other suitable place, directed Hajut Prisoners to be kept in the Godowns of both the Katgurrah and Bengdah Factories. I, however, invariably remained myself close to the spot during the whole period of their detention in those buildings, and placed the prisoners under the sole charge of the Military, not the Thannah Police, who received strict orders to prevent communication between them and any other persons whatsoever. On all these occasions,

the wants of the Prisoners were carefully attended to, and I am satisfied that they received no ill treatment."

Mr. Maclean says—

"No case has been instituted before myself of any Darogah with the assistance of the Factory Lattials, &c., having seized Villagers on false pretences, assaulted or confined them in Factory Godowns."

Mr. Platts says—

"No such cases have occurred in this Sub-Division, nor have I ever had cause to suspect that anything of the kind was ever attempted. On the contrary, the Police have been charged with aiding and instigating the Ryots to evade their contracts, the cases of the Kurreempore Darogah and a Burkundauz of that Thannah being instances in point."

Without searching through the swarms of Petitions presented to myself from all parts of the District, I cannot positively say that no such complaint has been made to me in general terms. There certainly has been no such occurrence in my own Thannahs and certainly no complaint of the kind sufficiently precise for me to call for enquiry was made from the Sub-Divisions.

Since the issue of my Perwannah of the 19th April, the following has been the tendency of complaints in the different Thannahs:—

BONGONG.

SARSHAH.—Very slight from Ryots; generally quiet.

GOBURDANGAH.—Perfectly quiet.

BAGDAH.—Repeated complaints by the Ryots; much hot feeling.

Darogah suspended.

Enquiry made. Mr. McNeile reported that, though nothing was proved, it was evident that the Plaintiffs were in too much fear to speak out. Suspension of Darogah confirmed and on expiry of term moved to Santipore to be under the eye of the Deputy Magistrate.

KISHNAGHUR.

HANSKHALLY.—A good deal of heat; very slight complaints from the Planters.

HADRAH.—The same, some complaints from both sides.

KOTWALLY.—A little heat; some complaints from the Planters.

NAKASSYPARAH.—Perfectly quiet.

DAMOORHOODAH.

HARDEE.—Very great heat of feeling, a great many complaints by the Ryots, but the Darogah has at times been equally complained

against by the resident Planters. His manner is said to be rough, but he has borne a good character.

DAMOORHOODAH.—Equally hot; complaints frequent from the Planters.

DOWLUTGUNGE.—Less excitement; complaints from Ryots sometimes.

KURREEMPORE.

MEHERPORE.—Considerable heat; complaints principally by the Ryots but also by the Planters.

KURREEMPORE.—Great heat near Bamondee; Mr Tripp complaining very loudly. Darogah arrested by Pubna Authorities and suspended by the Deputy Magistrate of Kurreempore. Repeated calls for evidence to the charge on which he was arrested have failed to elicit any even ostensible evidence.

2. That up to this time not one of the cases instituted by the Planters under the New Law has been decided in strict accordance with the provisions of that Law. Just on the receipt of a Petition presented on behalf of the Planters, the Defendants are summoned, and on the latter attending the Court, the case is decided in favor of the Planters within one or two days, &c.

The cases were certainly tried summarily, and as the Defendants' plea was a simple negative, the whole case rested on the credibility of the evidence for the prosecution, and as this was always brought up ready on the first day, few cases took more than a week to get through. Written defences were not taken it is true, but their witnesses most certainly were never rejected or lost sight of. It is an established custom in the Mofussil to allow an European a seat in Court when he appears as Plaintiff beside the Judge, but I have never allowed it, when he appears as a Defendant. The Court always contained very many more Ryots than Planters and their Amlah, and after the first few days the attendance of Mooktears on both sides was fair enough.

The proceeding generally followed has been of the simplest kind. Warrant has never been issued (though permitted by the Law) in the first instance; for every hearing of the case a day has been fixed, and if the Defendant had answered the Summons at once, which he almost always did, the fixing of the day was enough to secure his appearance. If not, bail was taken I believe by Mr. Tayler. Messrs. Platts and Maclean, from whom alone answers have been called for on this point (Mr. McNeile having had no cases at the time,) positively deny ever having

put a Defendant into confinement till final decree was passed and I certainly never did. Mr. Tayler had left before I could call on him for a reply, and Mr. Mackenzie being under myself, I know that he never did. It is a matter of regret to have to say it, but it has been acknowledged by Messrs. Maclean and Platts, and I must acknowledge it myself, that the necessity for caution in accepting evidence for the Plaintiffs in contract cases was forced on as the cases proceeded by the evidence which crept out. Mr. McNeile, however, was fortunate in having the most perfect and undeniable evidence laid before him by the Bengal Indigo Company in every case. But it is wholly false that, as a general rule, cases have been decreed on the depositions only of two or three Ameens. Where the European himself did not appear, I never heard of a single case standing which was not proved at least by the Factory Mohurirs, and even this evidence was soon pronounced insufficient.

3. The cases instituted under the New Law are for the recovery of debts. They are no charges for serious Criminal offences, nevertheless the Petitioners are detained in the custody of the Sepoys without any food.

Whenever Defendants in contract cases were placed under charge of Sepoys (which was only done at Damoorhoodah,) it was after decree had been passed and at the request of the Defendants to allow them time to pay up their damages without going to Jail. Mr. Maclean positively denies that there was any ill-treatment. To keep guard in this way is one of the duties of the Military Police, and it was no abuse of power to employ them so. There was not a solitary Burkundauz to spare for this duty.

4. Complaints of the imprisonment of two Mooktears for advocating the Ryots' cases.

Both these cases have been up. before Government, and the Mooktears have been released.

5. The prisoners also see no means of appealing to the Sudder Court, refuses to give them copy of his proceedings.

This is quite unfounded. Copies of orders and decisions have been taken to any extent asked for.

The Ryots are unable to petition the Mofussil Authorities, for if they go to present their Petitions they are instantly imprisoned on a false pretence.

This charge is absurd on the face of it.

6. But the Indigo Planters not being able to produce any genuine agreements for the current year are instituting suits by means of fabricating agreements and forging their own Advance and Account Books, and the Magistrates consider these documents to be valid and without listening to the arguments of the Ryots, award decrees and imprison the Ryots.	The validity of written agreements has never been established to my satisfaction, and Mr Maclean has also rejected cases in which he had reason to doubt them.
The Darogahs who are deputed to the Mofussil on false pretences, enter their houses, carry away their females, and subject them to great dishonor and hardship.	I have never heard of a single instance of this kind before, and I do not, therefore, believe that the charge is true.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3955, dated the 31st July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 193Ct., dated the 24th instant, submitting, with your remarks, the Reports of the Magistrates of Nuddea and Jessore upon the Petition which was forwarded to your Office with my letter No. 1913, dated the 25th of April last.

2. The Lieutenant-Governor considers that the most serious of the complaints made by these Petitioners, which are those noticed in the 4th paragraph of your letter, have been shown to be without foundation in fact, and he agrees with you in your conclusions on the subject of this Petition generally.

3. The unlawful conviction and imprisonment, upon charges constituting no Criminal offences, of the two Mooktears or the Law Agents of the Ryots, is a just subject of complaint; for, as reported by the Magistrate, it had for a time the effect of depriving the Ryots of the power of obtaining the services of any Mooktear to conduct the defence of their causes. This circumstance is very much to be regretted.

But the error was corrected, and its injurious consequences were remedied as soon as possible, owing to Mr. Grote's vigilance.

4. An Officer was sent to act as Judge of Nuddea during the incumbent's temporary absence, as soon as one became available for the purpose. Mr. Pierce Tayler was appointed to act as Judge of Nuddea on the 5th of May last.

5. It is admitted by the Officers concerned, that the evidence adduced on the side of the Plaintiffs was not sufficiently tested at first; and it is not to be denied that the causes of many Defendants must in all probability have suffered in consequence. This also is to be much regretted: but the error was soon corrected by the Officers trying the cases, as soon indeed as the practical necessity of a thorough testing of the evidence became apparent.

6. On the whole it must be held that the complaints are in part unfounded or exaggerated; and that, in so far as they are not so, the causes of complaint were removed as soon as they came to notice.

7. The Petition was presented to the Lieutenant-Governor at Allipore by a very large body of Ryots, who had come from a great distance for this purpose. That these poor people felt really aggrieved there can be no doubt, and that they had in some important points just cause of complaint has been admitted. The Lieutenant-Governor attributes the exaggerations in their written Petition not so much to themselves as to their advisers who drew up the paper for them.

No. XXXV.

Petition of UMBICA CHURN BISWAS and others, of Thannah Hanskhally, Zillah Nuddea, to His Honor the Lieutenant-Governor of Bengal,—(dated the 26th May 1860.)

MOST RESPECTFULLY SHEWETH,

THAT your Honor's Petitioners had agreeably to the instructions conveyed by your Honor's letter No. 138 of January last, petitioned to Mr. Grote, the Commissioner, who had thereon directed them to appear for their demands at the expiration of the period of six weeks allowed to the Magistrate for the investigation of the murder case of Situl Turrafdar when directions would be given to the Magistrate for the payment of their money in accordance with the Report of the former Commissioner: your Honor's Petitioners accordingly, on the expiration of the above period, prayed to Mr. Lushington, the Commissioner, who, without any reference to the records of the Court and consideration of the reasonableness of their demands, wrote against their petition for order that nothing could be done for them by that Court. This order being directly unjust, your Honor's Petitioners by an appeal for justice to your Honor pray that such directions be issued to the Commissioner as may seem just and proper to your Honor's consideration of the case.

2. That your Honor's Petitioners being severely oppressed by W. White, son of J. White, proprietor of the Bansbariah Indigo Factory, who had plundered them of money, jewels, cattle, corn, &c., forcibly dispossessed them of their houses and gardens and carried away Seetul Turrufdar, had, on the unjust dismissal of their suit by the Magistrate, appealed for relief to your Honor when on a tour to Nuddea. That on your Honor's directing Mr. Reid, the Commissioner, to make an enquiry into the matter and report, that functionary had fully dwelt on the oppressions committed by W. White upon the Ryots in his letter, dated the 9th September 1859. That subsequently Seetul Turrufdar being murdered in a state of confinement on your Honor's Petitioners complaining to the Magistrate, the Commissioner and finally to your Honor, the Magistrate in furtherance of your Honor's order is investigating into the case, but in his proceedings he is dealing with the Defendant with a leniency unusual in such serious cases, for having

a direct control over the Ryots of the adjacent lands it will not be difficult for W. White to disprove the fact.

3. That your Honor's Petitioners Umbica Churn Biswas and Ram-Churn Biswas being dispossessed of their dwelling-houses, gardens and other properties and prevented from pursuing their usual vocations, had lodged a separate complaint to your Honor on which an investigation was made by Mr. Reid, the Commissioner, who in finding the case to be directly proved had ordered a compensation of Rupees 40,000 to be paid to your Honor's Petitioners. That by virtue of Act No. XVI. of 1850, this sum is leviable by the Criminal Court, so an order for recovering this sum through other sources cannot but be considered as quite repugnant to justice, your Honor's Petitioners being thus dispossessed of their habitations and properties are suffering difficulties of various descriptions, while the oppressor is allowed to range at large without being required even to answer for such unlawful conduct.

4. That your Honor's Petitioners Choto Umbica Churn Biswas, Okhoy Coomar Biswas and Nobin Chunder Sircar being robbed of their properties by W. White, had laid a complaint to the Magistrate who had in spite of the Report made by Deputy Magistrate unjustly dismissed their case; but on their appeal to your Honor an enquiry was made into the matter by Mr. Commissioner Reid, and the oppression of the Indigo Planter was found to be true. Your Honor's Petitioners can, therefore, be legally entitled to a compensation of Rupees 1,600 agreeably to the provision of Act XVI. of 1850, and the above-named Deputy Magistrate's Roydad declares them to have a right to that sum and the Defendant to be liable to punishment, neither of which is allowed the attention it deserves by the Magistrate.

5. That the Defendant W. White is a party too influential to enable your Honor's Petitioners to cope with him, and they being deprived of their habitations, properties and means of livelihood are, together with their family, reduced to the worst possible condition and are wandering as fugitives from place to place for fear of their more powerful antagonist, who, having committed the murder of Situl Turrufdar with impunity, is in contemplation of other mischiefs, while the family of Situl Turrufdar are suffering starvation. That under such circumstances your Honor's Petitioners pray that they be restored to their habitations and properties with remunerations for the losses they

have sustained, and investigations be made properly into the fact of Situl Turrufdar's murder.

Resolution.—(No. 3015, dated the 8th June 1860.)

READ a Petition, without date, from Umbica Churn Biswas and others, of Thannah Hanskhally, in Nuddea, representing that they applied to the Magistrate and the Commissioner for compensation for the losses sustained by them at the hands of Mr. White of the Bansbariah Indigo Factory and his people, but that their application was refused.

ORDERED, that the Petitioners be informed that if they are dissatisfied with the Magistrate's order, they have it in their power to appeal to the Sessions Judge, or to bring an action for damages in the Civil Courts, as they may be advised. They are also informed that an active enquiry is going on in Situl Turrufdar's case. It will be useless to present further petitions to Government in the matter.

No. XXXVI.

Petition of certain Ryots of the Districts of Nuddea, Jessore, and Pubna, to the Hon'ble the Lieutenant-Governor of Bengal.

RESPECTFULLY SHEWETH,

THAT the Officers entrusted with the administration of Act XI. of 1860, in the Districts abovenamed, have awarded against your Petitioners and other Ryots, inhabitants thereof, damages for alleged breach of Indigo contracts, at rates varying from ten to twenty-three Rupees per beegah.

That these rates are exorbitantly high, and the levy of awards calculated thereat is the cause of sore distress to your Petitioners.

That in the execution of these awards, houses and cattles are sold under circumstances that render the obtainment of fair prices for them impossible.

That the sale of a Ryot's house is a calamity to him, from the consequences of which it is extremely difficult for him to recover ever afterwards in his lifetime.

That, under existing circumstances, it is generally impossible for a Ryot, against whom a decree under Act XI. of 1860 is given, to avoid those consequences, for having no Capital wherewith to pay the amount decreed, he has also no credit whereupon to borrow the enormous sums awarded to him for damages.

That, consequently the Ryot's house and cattle are generally sold away (at a loss as above stated,) whenever a decree under Act XI. of 1860 is given against him.

That in drawing your Honor's attention to the vastness of suffering thus created, your Petitioners respectfully beg to urge the following considerations which they humbly hope will induce your Honor to interfere with a view to mitigate the severity thereof.

1st. The awards in question are given under a Law of very summary procedure, and thence, presumably, in many instances, unjustly.

2nd. Indigo Plant being in the Districts of Kishnaghur and Jessore, the produce of lands of qualities not much varying from each other, the wide differences of the rates at which awards under Act XI. of 1860 are given, lead to the presumption that those rates are not generally

determined upon the principles of adjudication applicable to such cases, and which are so clearly laid down in a recent "opinion" given by the Advocate-General.

3*rd*. That in the original Draft of Act XI. of 1860, five times the amount of the sum advanced upon a contract was fixed as the limit of damages to be levied for breach thereof; thus showing that the framers of the Draft in question considered that rate a fair and equitable one.

4*th*. The *Hurkaru* Newspaper, a journal avowedly in the interest of the manufactures of Indigo, in its issue of the 29th instant, and in sundry other issues of late dates, expressed for purposes of its own opinions to the effect that the rates at which damages are being awarded against Ryots under Act XI. of 1860 are ruinously oppressive to them, thus affording conclusive evidence of the exorbitancy of the rates.

That your Petitioners submit that as the season has advanced beyond the sowing period, it is now impossible for them to save themselves from the penal effects of awards under Act XI. of 1860, by acting according to the mandatory Clause which, notwithstanding Section II. of the Act, still forms a part of the award.

That your Petitioners beg it to be understood that they do not consider themselves to blame for now being found in this predicament; for when they allowed the sowing time to pass away without sowing Indigo Seed, they were under the impression that as they had taken no cash in advance upon Indigo contracts this year, they ran little risk of incurring the serious consequences in which they are now involved.

That your Petitioners would respectfully suggest a doubt whether, under the terms of Section I. of the Act above recited, and reference being had (in the absence generally of written contracts) to the customary nature of the contract, any suit for damages would be under the Act until the expiration of the period at which Indigo Plant is generally delivered at the Factories; for though the terms used would in their literal signification limit the contract on the Ryot's part to the "cultivation" alone of Indigo, a rational construction would extend its obligations to the delivery of the Plant; otherwise the Act would be inapplicable to the case of a Ryot who having cultivated his land with Indigo does not deliver the produce to the Factory entitled to receive it "an alternative which is not precluded by the very indefinite phrase" or otherwise to fulfil his engagement.

That your Petitioners therefore pray that your Honor will be pleased to adopt such measures as your Honor may deem necessary for the limitation within reasonable bounds (for the case admits of such limitation) of the sums awarded under Act XI. of 1860, as damages for breach of Indigo contracts.

Resolution.—(No. 3005, dated the 8th June 1860.)

READ a Petition, without date, from Jameer Mundle and other Ryots, of Nuddea, Jessore and Pubna, complaining of the high rates at which damages have been awarded against them by the Officers appointed to try Cases under Act XI. of 1860 for alleged breach of Indigo contracts.

ORDERED, that the Petitioners be informed that the Law, as passed, fixes no maximum limit to the amount of damages assessable, and that the Lieutenant-Governor has no power to fix one. The Magistrates act judicially in these cases. An opinion of the Advocate-General has been circulated to assist them in assessing damages, and they have been enjoined to spare no pains and time in obtaining the necessary evidence. The Lieutenant-Governor has reason to believe that these orders have had a good effect.

Petition of certain Ryots of the Districts of Nuddea and Jessore, to the HON'BLE J. P. GRANT, Lieutenant-Governor of Bengal.

SHEWETH,

THAT the provisions of Act X. of 1860 for the summary enforcement of Indigo contracts are being carried out by the Magistrates of the abovenamed Districts, in a manner subversive of justice and deeply injurious to your Petitioners.

That large numbers of Ryots are being daily taken away from their homes, accused of offences under the Act upon fabricated documents, placed in confinement in the godowns of Indigo Factories under the authority of those Magistrates without a trial, subjected to ill-treatment and torture, denied the means of making effective defences or procuring witnesses on their side, convicted on the most worthless evidence, and sent by fifties and hundreds to the District Jails.

The Act X. of 1860 denies the right of appeal. There is therefore no mode of mitigating those flagrant abuses, but that pointed out in a recent letter from the Secretary to the Government of Bengal to

the Commissioner of the Nuddea Division, in which it was intimated, as your Honor desires, that no Magistrate who, either through partiality or incompetence, abuses the powers vested in him by the above Law, shall be retained a single day in his post.

That this wise and benevolent purpose of your Honor remains inoperative, as far as your Petitioners can see, for want of adequate supervision over the proceedings of the Magistrates.

That this supervision to be effectual and beneficial must be minute and complete.

That there is at present no Judge in the District of Nuddea, and the Judge of Zillah Jessore has heavy duties of his proper office to perform.

That the Commissioner of the Nuddea Division, whose duty is, in some measure, to exercise this supervision, is likewise burthened with duties which leave him no time to scrutinize the proceedings of the Magistrates with the minuteness and care required by the exigencies of the case.

Your Petitioners therefore pray that your Honor will be graciously pleased to appoint some Judicial Officer of standing to the sole duty of reviewing the proceedings of the Magistrates entrusted with the execution of Act X. of 1860, and direct those Magistrates to forward to such Officer within a stated period after the termination of each suit the *Nuthee* connected with such suit, and to instruct the said Officer to report to your Honor his opinion of the merits of the proceedings of each Magistrate.

Resolution.—(No. 3069, dated the 29th June 1860.)

READ a Petition, without date, from Abzulkha and others, Ryots of Nuddea and Jessore, praying, under the circumstances represented, that some Judicial Officer may be appointed to review the proceedings of the Magistrates vested with the power of trying Cases under Act. XI. of 1860.

ORDERED, that the Petitioners be informed that in the Criminal Cases the Commissioner of Nuddea has orders to report to Government any in which he thinks there was a material error; and that Judicial Officers have been appointed to try the Civil Cases.

No. XXXVII.

Petition of OKHIL CHUNDER BISWAS, of Thannah Meherpore, Zillah Nuddea, to His Honor the Lieutenant-Governor of Bengal.

MOST RESPECTFULLY SHEWETH,

THAT your poor Petitioner begs leave to bring to your notice that Mr. W. White, son of Mr. John White, Proprietor of Bansberiah Factory, having got him arrested by his servants, taken him to the Factory, and after every sort of torture being inflicted on your Lordship's Petitioner, he was under a guard of Mr. White's servants from one place to another, from Factory to Factory, and thus kept him in confinement for one month and seven days, after which, he, your Petitioner, succeeded in effecting an escape.

2. Your Lordship's Petitioner made a detailed representation to the Magistrate of all the circumstances that had occurred, and proved his case by evidence of witnesses. Mr. White himself, in the presence of the Deputy Magistrate, in Howli, admitted that he thrashed your Petitioner with his horsewhip. Besides, your Petitioner filed for inspection the Commissioner's Report No. 49; but the Magistrate, taking no notice of the evidence, both oral and documentary adduced by your Petitioner, released Mr. White, the principal author of the outrages committed on your Petitioner, punishing only some of the parties who acted under his orders. Under such circumstances, your Lordship's Petitioner prays that the proceedings of the case may be reviewed, and Mr. White punished, and the loss which he suffered on the occasion of Mr. White's outrages may be reimbursed to him.

No. 3109.

FORWARDED to the Commissioner of Nuddea for report.

By Order of the Lieutenant-Governor of Bengal.

FORT WILLIAM,
The 13*th June* 1860.

H. BELL,
Under-Secy. to the Govt. of Bengal.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 153Ct., dated the 20th June 1860.)

Sir,

With advertence to your Endorsement No. 3109, dated the 13th instant, forwarding for report a Petition from Okhil Chunder Biswas, praying for a review of the Nuddea Magistrate's proceedings in the case of outrages committed on him by Mr. White of Bansberiah, I have the honor to refer you to my predecessor's letter No. 97Ct., dated the 16th April last, from which the Lieutenant-Governor will, I think, perceive that nothing further can be done in the matter.

Resolution.—(No. 3437, dated the 29th June 1860.)

Read a Petition, without date, from Okhil Chunder Biswas, of Nuddea, praying for a review of the proceedings of the Magistrate of that District in the case of outrages committed on him by Mr. White of Bansberiah.

Ordered, that the Petitioner be informed that the Lieutenant-Governor cannot interfere in his case.

No. XXXVIII.

Petition of JOYCHUND TURRUFDAR and others, Ryots of Jadubpore, Burrobarry, Dhanbaria, Doorgapore, Ramkistopore, Kistopore, Kooliah and Parrahdoha, of Zillah Nuddea, under Thannah Bagdoho, to the Hon'ble the Lieutenant-Governor of Bengal,—(dated the 26th May 1860.)

MOST RESPECTFULLY SHEWETH,

THAT your Honor's poor Petitioners having suffered much from the tyranny and oppression of Mr. Larmour, Indigo Planter of Katgurrah Factory, for not having taken the advance for Indigo plantation, your Honor's poor Petitioners having complained to the Magistrate of Nuddea for the oppression which they were suffering, the Magistrate to their great misfortune transferred their case to the Deputy Magistrate of Bonegram, who, with his Darogah, in connivance with the Indigo Planter, without considering the extent of the grievance and oppression which your Honor's poor Petitioners have suffered, began also to tyrannize the helpless Ryots of the above mentioned Villages in so great a degree that your Honor's poor Petitioners are at last obliged to represent their wretched circumstance to your Honor with a sanguine hope that their lives and property should be saved from the hands of those merciless Indigo Planters, according to the following paragraphs :—

1*st*.—Your Honor's poor Petitioners beg to state that, on the morning of the 6th Bysack last, one Kenoo Medhur, the servant of the Indigo Planter, with sixty or seventy Lattials, came to the Village of Jubbulpore and seized the Cow of Alum Biswas, with force, but when a row had been spread out into the Village, they leaving the Cow aside ran towards their direction, when the Ryots of that Village caught Kenoomedhur and two of the Lattials and took them to the Thannah, in order to make them over to the hands of justice, but on enquiring they were given to understand that the Darogah has gone to pay his visits to the Planter of the aforesaid Factory. In the meantime when your Honor's poor Petitioners were giving their deposition to the Burkundauz, who was present then at the Thannah, the Darogah afterwards came and threatened them with saying that, if they did not sow the Indigo Seeds, they will be imprisoned for six months with a fine of 200 Rupees

each, and besides this he abused them as much as he could: on seeing this, your Honor's poor Petitioners were obliged to give up all their future hopes of kindness from his hands.

2*nd*.—That your Honor's poor Petitioners beg also to state that, on the night of the 7th Bysack last, Mr. Larmour and Mr. Cockshott, Planters of Katgurrah Factory, their servant Chunder Cant Ghosal and the Deputy Magistrate of Bonegram, accompanied by Sepoys, entered the Villages of Jadubpore and Burrobarry and plundered the houses of some of your Honor's poor Petitioners and caught and sent the Petitioners to the Thannah of Bagdoho. On that very night the Darogah with Surbessur Bhuttacharjee, Sepoys and Lattials, plundered the Villages of Dhanbareah and Doorgapore, and having caught some of your Honor's poor Petitioners and kept them in close custody in the Factory of Katgurrah.

3*rd*.—That at midnight of 9th Bysack last, Mr. Larmour and Mr. Cockshott, Planters, and their Manager, with twenty or twenty-five Lattials with Arms came to the Village of Burrobarry and burnt down the houses of Dookohorron Roy and seven others, and burnt down many of their household furnitures. Under such deplorable circumstances, Mohima Churn Roy, Loharam Roy and Ramloll Roy expecting redress of their such grievances lodged a complaint to the Deputy Magistrate of Bonegram, who was then at the Katgurrah Factory; but to their greatest misfortune the Deputy Magistrate, in connivance with the Indigo Planters, dismissing their complaint imprisoned the prosecutors in the Indigo Factory on a charge of having given false deposition, and sentenced them to a confinement of six months with fine for preferring a false complaint. Considering the above-mentioned circumstances, your Honor will be convinced of the truth of the acts of partiality and tyranny of the Mofussil Functionaries.

4*th*.—That your Honor's poor Petitioners also beg to represent that they having on the 16th, 21st and 24th of Bysack last appealed to the Commissioner of Nuddea about the tyranny and oppression shown towards them, he, the worthy Commissioner, called for an explanation from the Deputy Magistrate, and issued an order to the Magistrate of the above Zillah for an investigation of the acts of tyranny and to remedy them as much as it lie in their power. Then your Honor's poor Petitioners appeared before the Magistrate with a Petition on the 30th

Bysack last for redress, but to their utter misfortune the Magistrate did not take any measures neither issued any order for the removal of similar grievances in future, but on the contrary the said Magistrate, his Darogah, Jemadar, Burkundauz and others in connivance with the Planters, their Subordinates, and with sixty or sixty-five Lattials, armed men, &c., plundered the Villages of Jadubpore, Burrobarry, Dhanbareah, Kistopore and Doorgapore, and forcibly sowed all lands of your Honor's poor Petitioners with Indigo Seeds, even uprooting the Paddy Plants from those lands that had already been sown with them, and not being satisfied with these acts of oppression they even arrested every man they met with, carried him into captivity and fined him in heavy sums, a tyranny which has put the inhabitants of the abovenamed Villages to flight.

5*th*.—That the Joint Magistrate of Bongong, with the intention of imprisoning those of the Ryots of Jadubpore, Burrobarry, Dhanbareah, Doorgapore, &c., whom he had on the 7th Bysack placed in confinement in the Factory Godown of Katgurrah, set up the Burkundauz of Thannah Bagdoho to prefer a false complaint against them; but the case not being proved and the prosecutors not being able to identify the Defendants, he again trumped up a false charge of assault against them through Kinoo Madhur and others, Defendants in a case of Cow loot instituted by us and by a sheer act of injustice sentenced them to various terms of imprisonment ranging from three to six months. Under these circumstances, your Honor's poor Petitioners most humbly pray that your Honor will, after a due consideration of all the facts detailed above, be graciously pleased to render justice to them, and your Honor's poor Petitioners in duty bound shall ever pray.

No. 3110.

FORWARDED to the Commissioner of Nuddea for report.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM, *The* 13*th June* 1860. } *Under-Secretary to the Government of Bengal.*

Petition of certain Ryots of Jadubpore, and other Villages in Nuddea, to the Hon'ble the Lieutenant-Governor of Bengal,—(dated the 11th June 1860.)

YOUR Petitioners, the under-mentioned Ryots, inhabitants of the Villages Burbaree, Jadubpore, Dhanbaria, Doorgapore, Ramkistopore, Kistopore, Andulia, Makapore, Bullufpore, Coolia and Hasbaspore, in the jurisdiction of Thannah Bagdaha, in the District of Nuddea, humbly solicit to submit to your Lordship's notice, in the following paragraphs, the injustice, maltreatment, and oppressions against them by Mr. Larmour, the Proprietor, and Mr. Cockshott, the Superintendent of the Indigo Factory of Katgurah, collusively with their dependants, Lattials, Shirkiwalas, the Deputy Magistrate of Bongong, together with the black Sepoys, and even the Darogah of the above-mentioned Thannah Bagdaha, for not receiving advances and not cultivating Indigo. Sir, please to administer justice to your poor Ryots, taking into due consideration the following particulars :—

1*st*.—Kenoo Medhur (dependant), servant of Mr. Larmour, with the assistance of sixty or seventy Lattials, on the 17th April, encompassed by force of arms the Cows belonging to Alam Mundul and others, inhabitants of Jadubpore, on the night of the 18th. The Deputy Magistrate in person, the Sepoys, the said Indigo Planters, their dependants, Chunder Kant Ghosal and others, with Lattials, captured Joy Chundra Turrufdar and other Ryots, four in number, of the said Village Jadubpore, and looted their properties. The Deputy Magistrate, in obedience to the said Indigo Planters, brought a false suit against the Ryots and unjustly imprisoned them. Rice, Chuna, and other prepared Crops were set aside, and Indigo is planted in their places. Your Petitioners have filed a Petition to the above-mentioned effect in the presence of the Magistrate and Commissioner of the District; but, to their misfortune, no order has been passed from either of the Courts, either for a local investigation or for the prevention of the oppressions.

2*nd*.—In the dead of night, about 12 o'clock of the same night, 18th April, the Deputy Magistrate in person, the Sepoys, and the Indigo Planters, Mr. Larmour and Mr. Cockshott, and Chunder Kant Ghosal, with the Lattials and Shirkiwalas, looted the properties of the Ryots Indronarain Roy and others, nine in number, of the Village Burbaree. On the same day Jogomohun Sircar and others, servants

of the Indigo Factory, jointly with twenty or twenty-five Lattials, the Sepoys, and the Police Darogah of the Thannah Bagdah, looted the properties of the Ryots Rokib Mundul and others, numbering five, of Doorgapore, and Gunee Duffadar and others, numbering four, of Dhanbaria, and imprisoned some of them. They even supplanted the Rice, Chuna, and other Crops, while the Darogah was present, and planted Indigo in their places. On the 20th April, in presence of Mr. Larmour and Mr. Cockshott, and in obedience to the orders of the said Sahibs, Jogomohun Sircar set fire to the northern house of Dookhiehoron Roy, and Ameen Shumbo Chunder Biswas to the northern house of Obhoychurn Roy of Burbaree, by their own hands; the flame occasioned by the fire burnt houses of eight persons and everything therein. Your Petitioners filed several Petitions in the Magistrate's and Commissioner's Courts for the redress of the grievances of the above-mentioned descriptions, but no order has been passed from either of the Courts; and your Petitioners are now reduced to the nearest verge of ruin, because the said Indigo Planters are rich in wealth, but your Petitioners, the poor husbandmen, live only by cultivation. Sir, even the Darogahs and the Deputy Magistrates are in the favor of the Indigo Planters.

3*rd*.—The Superintendent of Katgurah Concern, Mr. Cockshott, brought a case for false breach of contract against the Ryots of the above-mentioned Villages, and thereby imprisoned them in the Jail. The said Ryots, on deposit of Rupees for the breach of contract to the Deputy Magistrate, received the acknowledgment of their Rupees, and were set free by him. To plant Indigo in the Rice fields of the Ryots set free, and the Darogah of Bagdah also assists therein, is contrary to the Law in force. Sir, while Darogah is assisting to set aside the Rice and plant Indigo, on whom your Petitioners are to lay claim for the damages of the Rice, your Lordship's opinion is herein humbly solicited.

4*th*.—Your Petitioners have twice petitioned in detail the Commissioner, for the oppressions stated above, on the 27th April and 2nd May, on which Kyfiut only was demanded from the Deputy Magistrate. They again filed a Petition on the 5th May, and the Magistrate of the Zillah was ordered to take statements and investigate the affairs, and report accordingly. Wherefore your Petitioners, being present, applied to the Magistrate, but no order has been passed regarding

either to the statement or local investigation. Therefore your Petitioners again, on the 13th May, filed a Petition in the Commissioner's Court, on which a Kyfiut was demanded from the Magistrate. Your Petitioners, on the 26th May, petitioned the Governor General in Council, and again applied to the Magistrate and Commissioner, but no order has hitherto been passed either for the suppression of the oppressions or for the local investigations; consequently the Indigo Planters, getting bold, and with the assistance of the Darogah of Thannah Bagdah, is planting Indigo, setting aside the cultivated Rice and prepared Chuna. Your Petitioners present the plants of Rice and Chuna for your Lordship's eye-witness; and pray that your Lordship will, taking compassion on the poor unfortunate Ryots, commit the case to an impartial Judge, to administer justice with a local investigation, and prevent to set aside the Rice, &c., and plant Indigo in their place, redress the grievances of your Lordship's poor Ryots, and offer to them the compensation for losses they have incurred from the damages committed by the Indigo Planters.

Resolution.—(No. 3110, dated the 13th June 1860.)

READ a Petition dated the 26th instant, from Joychund Turrufdar and other Ryots of Jadubpore, &c., in Nuddea, complaining of the oppressions practised upon them by Mr. Larmour, Indigo Planter of the Katgurrah Factory.

ORDERED, that the Petition be forwarded to the Commissioner of Nuddea for report

---

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 196Ct., dated the 25th July 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your Endorsement No. 3110 of the 13th ultimo, and in reply to forward herewith the Nuddea Magistrate's Report on the Petition of the Ryots of Jadubpore and some other Villages of the Bagdah Thannah, which is herewith returned. The replies of the Magistrate to the several allegations contained in the Petition appear to be entirely satisfactory.

From W. J. HERSCHEL, Esq., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. 223, dated the 17th July 1860.

SIR,

I HAVE the honor to return the Petition of the Ryots of Jadubpore and other Villages of the Bongong Sub-Division with my replies to them.

2. I attribute the presentation of this Petition to two facts :—*first*, that Mr. McNeile made use of the Military in small Detachments, and next that, while out in the District, he staid at the Katgurrah Factory and placed the Prisoners in a Factory Press-house.

3. Mr. McNeile was but little to blame for the error of sending the Military out.

My visit to Bongong before his arrival, when I had to punish some Villages for assaults on Europeans and my own threat of employing the Military if the offence were repeated, gave Mr. McNeile strong grounds; coming as he did just at the very crisis of the sowing season, for believing that the reports sent up by the Bagdah Darogah and Mr. Larmour's very strong applications for Troops which even caused some anxious enquiries from the late Commissioner, were such that he could not longer withhold the assistance called for. The outbreak in Katgurrah too was very sudden and compared to the rest of the Sub-Division at the time, from which alone Mr. McNeile could judge it was violent. The error, such as it was, was corrected as soon as it became apparent (see Complaint No. 4.)

As to the second point Mr. McNeile had no choice. He had to march out thirty miles without a Tent of any kind for himself or his men, and there was actually no accommodation anywhere but at the Factories. On arriving at Katgurrah I found the same difficulty myself and was obliged to pass the day at the Factory, the Tents which I had ordered down from Damoorhoodah not having arrived, though I delayed starting on purpose to give them time to come up. A spare Pál, belonging to the Military Police who accompanied me, was immediately appropriated for the Prisoners, and on the arrival of my Tents next day, I made them over to Mr. McNeile, who pitched his camp in the Village of Belia, while I returned the same day to the Station.

It is particularly unfortunate that this should have happened, and that the Ryots should judge so greatly by the manner as to neutralize the ultimate decisions of a Judge, for in the latter point Mr. McNeile

has been singularly successful. His decisions have stood the test both of revision by yourself and of appeal to the Sessions Judge, better than those of any Officer in the Zillah, in fact, almost without a reversal hitherto among several cases appealed.

I proceed to notice the complaints :—

COMPLAINT I.

That on 6th Bysack, Kenoo Medhur with sixty or seventy Lattials came to the Village of Jadubpore and seized the Cow of Alum Biswas when the Ryots of that Village caught Kenoo Medhur and two of the Lattials and took them to the Thannah, but found that the Darogah has gone to pay his visit to the Factory; the Darogah afterwards came and threatened them that if they did not sow Indigo they would be imprisoned for six months with a fine of 200 Rupees each, &c.

This case has been tried by the Joint Magistrate at Bongong. The Ryots concerned in it have been convicted of a tumultuous assault and the decision has been upheld on appeal.

COMPLAINT II.

That on the night of the 7th Bysack, Mr. Larmour and Mr. Cockshott and the Deputy Magistrate of Bongong, accompanied by Sepoys, plundered the Villages of Jadubpore and Burrobarry, and caught and sent the Petitioners to the Thannah, while the Darogah with Sepoys and Lattials plundered the Villages of Dhanbaria and Doorgapore, and caught some of the Petitioners, and kept them in close custody in the Factory of Katgurrah.

The circumstances under which Mr. McNeile proceeded to arrest the Defendants in the cases before him are already reported to you. Mr. Larmour was not present when the arrest took place, and as Mr. McNeile made the arrests in person and was closely accompanied by the Sepoys, of whom he had only twelve with him, I can safely deny that the Villages were plundered. The Darogah had been ordered at the same time to arrest other persons against whom Warrants had been issued, in some of the immediately adjacent Villages. He

was sent with ten of the Military Police, and he brought in about the same number of Prisoners the next morning within half an hour of Mr. McNeile's return with his party. I have no reason to suppose that the charge of plunder against him is any better founded than that against Mr. McNeile or against myself in a subsequent paragraph.

COMPLAINT III.

That at midnight of 9th Bysack, Mr. Larmour and Mr. Cockshott, with twenty or twenty-five Lattials, came to the Village of Burrobarry and burnt down the houses of Dookohoron Roy and seven others; that Mohimachurn Roy and others lodged a complaint to the Deputy Magistrate of Bongong who was then at the Katgurrah Factory, who imprisoned the prosecutors in the Indigo Factory and sentenced them to a confinement of six months with fine, for preferring a false complaint.

The repetition of this charge is almost unaccountable. Both Mr. Larmour and Mr. Cockshott were accused and pointed out to Mr. McNeile in the verandah of the Katgurrah Factory on the charge described on the morning after the fire. Mr. McNeile was personally aware of the fact that both gentlemen had slept at the Factory on the night in question, as he had dined with them and slept there himself that night. The house of the principal sufferer by the fire was a man against whom the Ryots complain for siding with the Factory.

COMPLAINT IV.

That on an order being issued by the Commissioner on the Magistrate to enquire into the above acts of tyranny, but that the Magistrate did not take any such measure, but on the contrary the said Magistrate, his Darogah, Jemadar, Burkundauz and others,

It is difficult to meet this charge as it evidently has been drawn up by some one who has misunderstood the story of his clients.

It may rest on the facts reported to Government in my ninth Weekly Report of my visit to Belia, some eight or ten miles from the Village

in connivance with the Planters, plundered the Villages of Jadubpore, Burrobarry, Dhanbaria, Kistopore, and Doorgapore, and forcibly sowed all lands of your Honor's poor Petitioners with Indigo, uprooting the Paddy plants, and not being satisfied with these acts of oppression, they even arrested every man they met with, carried him into captivity and fined him in heavy sums.

mentioned; even there no Indigo was sown that day, though I believe the Ryots have since obeyed my orders by sowing it themselves.

I never was near these Villages which I am said to have plundered.

From the result of my visit to Katgurrah I judged that the presence of the Military was quite unnecessary, and that it was the exhibition of Military Force which had principally caused the dissatisfaction felt there. I therefore desired Mr. McNeile to withdraw to his Head-Quarters at Bongong as soon as possible but without the appearance of haste, and accordingly the whole of the Detachments out were withdrawn to Bongong in the course of a few days. A precipitate withdrawal would have been very unadvisable. This I hope will dispose of the assertion that I did nothing to meet the complaints of the Ryots.

COMPLAINT V.

That the Joint Magistrate of Bongong, with the intention of imprisoning those Ryots of Jadubpore, &c., whom he had confined in the Factory Godown, set up the Burkundauz of the Thannah to prefer a false complaint against them; but the case not being proved, he again trumped up a false charge of assault against them through Kenoo Medhur, and by a sheer act of injustice sentenced them to im-

*This is another proof of the intervention of third parties in preparing this Petition. The Burkundauz in question was actually punished by Mr. McNeile for exceeding his duty. He complained of assault, and as it appeared that he had no business there, his charge was dismissed, and he himself suspended from Office. The charge of assault by Kenoo Medhur (seized by the Ryots themselves

prisonment from three to six months.	with his two companions,) see Complaint No. 1, was tried, and the Ryots were convicted by Mr. McNeile, and his decision has been upheld on appeal to the Judge.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3937, dated the 30th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 196, dated the 25th instant, submitting a Report from the Officiating Magistrate of Nuddea, on a Petition presented to the Lieutenant-Governor by certain Ryots of Jadubpore and other Villages in Thannah Bagdah, complaining of the oppressions practised upon them by Mr. Larmour, of the Katgurrah Indigo Factory, and of the proceedings of the Joint Magistrate in charge of the Bongong Sub-Division.

2. The Lieutenant-Governor agrees with you in thinking Mr. Herschel's explanation in respect of the several allegations contained in the Petition to be entirely satisfactory.

3. With reference to some of Mr. Herschel's remarks, the Lieutenant-Governor would observe that he does not see anything to blame in any of Mr. McNeile's proceedings in the matters to which the complaints of the Ryots and the explanation of Mr. Herschel relate.

4. Mr. McNeile very properly made the preservation of the public peace his first object, and whether or not, with that object, upon representations made by persons under needless alarm, one or two movements of small bodies of Military Police were ordered, which, as was found afterwards, need not have been made, is a point of indifference.

5. Mr. Herschel's Report of the quality of Mr. McNeile's decisions, as tested by the result of regular appeal, is very creditable to this young Officer.

No. XXXIX.

Resalution.—(No. 3593, dated the 10th July 1860.)

READ a Petition, dated the 7th instant, from Harran Chung and others, Ryots of Jungle, in Thannah Pungohow, in Pubna, complaining of the oppressions practised upon them by Mr. Durand, an Indigo Planter of the Nischintapore Factory.

ORDERED, that the Petition be forwarded to the Commissioner of Rajshahye for report.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 2Ct., dated the 4th August 1860.)

SIR,

I HAVE the honor to report as follows for the information of His Honor the Lieutenant-Governor, on the Petition of Harran Chung and others, which was sent to me with Mr. Under-Secretary H. Bell's Office Memorandum of the 10th ultimo; annexed is a brief Abstract of the averments contained in the Petition, and in a parallel column, I have entered the reply given to them by the Officiating Magistrate of Pubna in his letter No. 412 of the 19th ultimo.

Allegations.	*Reply.*
That Mr. Durand, the Indigo Planter of Nischintapore Factory, has for the last two or three years not only made the Petitioners sow Seed and cut Plant for his Factory, but has also declined to pay them their wages for work done.	The Vernacular Petition is similar to one previously presented to you by Modhoo Chung, and reported on by me according to your directions; 900 houses have not been burnt in Jungle. While Mr. Man, Deputy Magistrate, was there long after the riot, seven *baries* were burnt, he investigated the matter and reported that the fire appeared to have been accidental.
That the lands, which they usually cultivate for Indigo and other Crops are not rent-free, but the Petitioners are obliged to pay rent for them to the Zemindars, and now they are at a loss to think	The allegations of the maltreatment and plunder of the inhabitants

how they shall be able to pay the rent due to the Zemindars, if the Indigo Planter never gives them any thing for their lands so cultivated.

That Mr. Durand directed the Petitioners to sow Seed on more lands this year than last year, which they declined to do, in consequence of not having received the advance for the same. On this Mr. Durand having reported against them to the Magistrate of Pubna, subsequently harassed them by other means.

That the Deputy Magistrate of Koomercolly Sub-Division, being under obligations to Mr. Durand, reported to higher Authority to furnish him with some men of the Police Battalion. This request was granted, and the Police Battalion arrived on the spot, accompanied by a Mounted Force.

That the Petitioners being terrified at the appearance of the Police Battalion, and horsemen in their Village, fled most of them to some other Villages, and amongst the remaining number who were unable to keep up with the Petitioners in their flight, some were *shot* dead, and some were wounded by other means, the particulars of which are related as follows :—

On the 29th day of last Chycte, Mr. Durand with a number of 700 or 800 armed men and with are I believe entirely groundless. I enquired myself in every independent Village and Market in the neighbourhood without finding any one who could depose to the fact, or who had seen or heard of the outraged parties.

The Mooktears on the part of Ram Roton Baboo and the Baleeacundee Chowdries, and Madhub Chunder Chowdree himself, the head of the family, were on the spot nearly two days before me, and were present during the investigation, they neither produced nor named any one, some six—seven women of the Bornotoil, whom I found, deposed that no oppression or plunder had taken place in Bornotoil.

Those of Jungle said that their Village had not been plundered, but they heard Bornotoil had, and that a woman there had been maltreated, the two places adjoin and it is Bornotoil that is alleged to have been plundered; there is other evidence to show the contrary.

No women or children were carried off.

his son and his subordinates and also with the Police Battalion, rushed upon their Village and plundered the whole of their property, violated their caste by seizing their women, killed Neetychan Mundle by shooting him, and wounded some others of the Villagers with some other weapons.

That some of the women fell into the hands of the men of the Police Battalion and some into the hands of the subordinates of Mr. Durand, and that some infants died while in hands of Mr. Durand's people owing to the want of proper care. That on the pretence of an enquiry of a charge against the Petitioners of concealing two men of the Police Battalion, Mr. Durand, accompanied by the Magistrate, burnt and destroyed 900 houses of the inhabitants of the Village.

That the functionaries did not hear the complaints of the Petitioners.

That the Petitioner, Modhoo Mundle, made a complaint before the Magistrate, of his brother, Neetye Mundle, having been murdered, upon which he was imprisoned in the Jail, without any reason, and as the Commissioner and the Judge never listen to the Petitioners, they are necessitated to present this Petition direct to the Government.

2. The charges made by the Petitioners appear to have originated out of the case of riot with homicide and wounding, and resistance of the Deputy Magistrate, Mr. Lingham, and the Military Police which occurred at the Village of Jungle in the Commercolly Sub-Division in the month of April last, and which case has resulted in thirty-one of the rioters being convicted at the Sessions, and referred by the Judge for final orders to the Sudder Court. This is the case to which the first and chief part of the Petition has reference. The case formed the subject of a regular judicial enquiry, and has resulted in the conviction of thirty-one of the fellow-villagers of the Petitioners. No houses of the Villagers were burned down at the time, nor, as far as the Magistrate could ascertain on careful enquiry, were any plundered, nor did any of the acts of maltreatment complained of take place.

3. Some time *afterwards*, when Mr. Man, Deputy Magistrate, was encamped near the spot, a fire took place in the Village of Jungle, in which seven houses were destroyed, and some of the people of the neighbouring Villages took advantage of the opportunity to carry off some property from some of the houses in the Jungle village. Some of them (as already reported by me to Government) were caught in the act by the Deputy Magistrate, and were promptly punished, and there is every reason to believe that the fire was an accidental one, and that the plundering was unpremeditated. The Deputy Magistrate and Officiating Magistrate were both of this opinion after making searching enquiry on the spot, and in the adjacent Villages, and they could find no evidence of any women having been maltreated (as is asserted in the Petition) at the Villages of Jungle, or of any women or children having been carried off from thence. There is only the evidence of some women of Jungle Village to the effect that they had *heard* that a woman from the neighbouring Village of Bornotoil had been maltreated, but this again is contradicted by the Bornotoil women, who deny that any such maltreatment took place.

4. I am of opinion that the averments of the Petition have been fully and satisfactorily explained by the Officiating Magistrate, and think it probable that it was presented at the instance of some of the Defendants, whose case was at that time awaiting trial before the Sessions Court.

5. In regard to that portion of the Petition which asserts that the Petitioner Mudhoo Chung was imprisoned for bringing to the notice of the Magistrate that his brother Neetye Mundle had been murdered by

Mr. Durand, I have the honor to report that I find on reference to the Magistrate, that the deceased Neetye Mundle was one of the rioters who was killed in the Jungle riot case, and that the Petitioner Mudhoo Chung was detained for not longer than a fornight by the Magistrate in consequence of his having sworn that he saw Mr. Durand shoot his brother, and it being apparent, therefore, that if this were true, he must himself have been present at the riot. The Magistrate states that he was not put into Jail at all, or subjected to any unnecessary inconvenience.

6. With reference to the concluding portion of the Petition, which sets forth that the Commissioner and the Judge pay no attention to the Petitions presented, I beg leave to annex copy of a letter addressed by me to the Magistrate on the 9th June last, on a similar Petition, to that now under report, being presented to me by Mudhoo Chung, and which letter was written after I had taken down the Petitioner's examination at some length in writing. The Magistrate promptly replied to the averments contained in the Petition, to the same effect as in the extract of his letter which will be found entered in the preceding part of this communication (paragraph 1.)

7. The original enclosures of your letter are herewith returned.

From H. M. Reid, Esq., Commissioner of the Rajshahye Division, to the Magistrate of Pubna,—(No. 935, dated the 9th June 1860.)

Sir,

I have the honor to forward herewith, for enquiry and report, an original Petition which has been presented to me by one Mudhoo Chung Mundle of the Village of Jungle, Thannah Pungsha, in your District, and to request with reference thereto, that you will be so good as to ascertain and inform me, to what extent the allegations put forward in it, of 900 houses having been wilfully burnt down in the Village, is true? and whether there is any truth in the charge of women having been maltreated, and young children having been carried off.

2. You will observe that the Petitioner states his inability, when questioned, to mention the names of any of the women who were maltreated, or of the children who were kidnapped, and that he is equally ignorant of the names of the offenders, and that he has also admitted that he does not know the full contents of the Petition, which was

written for him by one Bissonath Dutt of Puntekree, who accompanied him up to this, but who has since left Baulean. I request you will call for the latter person and question him as to his knowledge of the facts contained in the Petition, and ask him for names of the persons by whom he can support them.

3. The great impropriety of the remarks contained in the concluding part of the Petition has not escaped my observation, but the Petitioner Mudhoo Chung being unable to read and write, and as he has probably been made use of as a tool by others in presenting the Petition, I have not visited this offence against him, I have directed him to attend your Court for the purpose of his being further examined by you, if necessary.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 4176, dated the 13th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 2, dated the 4th instant, submitting the Report called for on a Petition presented by some Ryots of Jungle, complaining of certain acts of outrage and oppression practised upon them by Mr. Durand, of the Nischintapore Indigo Factory, in the District of Pubna, and in reply to state that the Lieutenant-Governor considers your Report to be satisfactory.

2. There is one point, however, which is not cleared up; that is, the motive for the plunder of houses in the Village of Jungle by the people of a neighbouring Village, on the occurrence of a fire at the former. The Lieutenant-Governor believes that it is not usual for one Village to plunder a neighbouring Village on the occurrence of an accidental fire in the latter. Such an act is not propable, except when the one Village, or the Zemindar or other chief man connected with it, is at feud with the other Village. It seems to the Lieutenant-Governor probable that some motive of this sort might have been ascertained to exist in this case, if the affair had been sifted. But as some of the offenders caught in the act of plundering were promptly punished by the Deputy Magistrate, no further action now is necessary.

No. XL.

Petition of JANOOKY JOARDAR, of Talbariah, in Zillah Nuddea, and of AMEER SHEIK, of Taligandy, in Zillah Nuddea, now Prisoners in the Pubna Jail, to the Hon'ble the Lieutenant-Governor of Bengal,—(dated the 26th June 1860.)

SHEWETH,

THAT your Petitioners have been unjustly condemned by the Deputy Magistrate of Pubna to imprisonment for six months, and 200 Rupees fine each, besides sums of fifty and thirty Rupees respectively, in lieu of labor, on a charge of having intimidated the Ryots of Villages Titlee, Refyatpore, Puchamadya, Taliganday, Bharamarah, &c., in Zillahs Nuddea and Pubna, from cultivating Indigo.

That this heavy and undeserved punishment has been inflicted on your Petitioners at the instance of one Dhununjoy Bhooa, acting on behalf of Mr. Triph, Planter of Factories of Parsetoolee and Gazipore.

That the only witnesses brought forward by the complainant were Enayd Biswas Ameen, Komul Bhooimaly Takidgir, and Monshad Takidgir of the above mentioned Factories.

That these witnesses deposed to a number of improbabilities which ought to have ensured the dismissal of the complaint.

That your Petitioners were not allowed to make a defence, and the witnesses they brought forward were not allowed to be examined.

That your Petitioners appealed to the Commissioner of Rajshahye, but no orders were passed on their appeal.

That copies of the orders condemning your Petitioners were applied for, but refused on the ground that, as there was no appeal allowed by the Law, the copies were unnecessary.

That the Villages named as those which had been prevented by your Petitioners from sowing Indigo have all sown Indigo.

Under these circumstances, your Petitioners solicit a reference from the Court, and unjust sentences under the effects of which they are suffering.

And your Petitioners, as in duty bound, will ever pray.

No. 3503.

FORWARDED to the Commissioner of Rajshahye for report.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM, *The 3rd July* 1860.

H. BELL,
Under-Secretary to the Government of Bengal.

Resolution.—(No. 3503, dated the 3rd July 1860.)

READ a Petition, dated the 20th ultimo, from Janooky Joardar and Ameer Sheik, of Nuddea, Prisoners in the Pubna Jail, stating that the Deputy Magistrate of Pubna unjustly sentenced them to six months' imprisonment, and a fine of 200 Rupees each, on a false charge, that the Petitioners had intimidated the Ryots of certain Villages not to sow Indigo.

ORDERED, that the Petition be forwarded to the Commissioner of Rajshahye for report.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 14Ct., dated the 8th August 1860.)

SIR,

I HAVE the honor to forward herewith copy of a Report from the Officiating Magistrate of Pubna, No. 435 of the 30th ultimo, on the subject of the Petition of Janooky Joardar and Ameer Sheik, which was sent to me for report with Mr. Under-Secretary Bell's Office Memorandum No. 3503 of the 3rd idem.

2. It will be seen that the Petitioners were convicted under Section V., Act XI. of 1860, for intimidating their fellow-villagers, with the view of preventing them from carrying out their engagements to sow Indigo, and that they were punished by the Deputy Magistrate, Moulvee Waseefooddeen, with the full term of imprisonment laid down by the Law. The sentence was passed on full legal evidence, and after personal enquiry by the Deputy Magistrate on the spot, the Defendants petitioned the Magistrate, who was unable to interfere; and, on their petitioning myself, and I saw no sufficient ground for doing so, I declined to interfere to obtain for them a mitigation of their sentence.

3. The Magistrate has now recommended that the sentence on them should be reduced to six months' imprisonment, on the ground of its being a somewhat severe one, and of its having been the first conviction under the Act; but, after looking over the proceedings, I do not find any sufficient reason for seconding the recommendation. It is true that the heavy sentence passed on the Petitioners had the immediate effect of inducing their fellow-villagers to carry out their engagements, and that the Factory was thereby benefitted; but I think it may be assumed, on the other hand, that, had the sentence been a less severe one, a different result might have followed, and that Petitioners' fellow-

Villagers might have got into difficulties by being sued under the Act for evading their contracts.

4. The original Petition is herewith returned.

From A. J. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(No. 435, dated the 30th July 1860.)

SIR,

WITH reference to your Memorandum No. 1076 of the 6th instant, I have the honor to inform you that the Petitioners were convicted and punished by the Deputy Magistrate, Waseefooddeen Khan, under Section V.

2. They were sentenced to the full penalty, April 25th and May the 4th, with labor, commutable to thirty and fifty Rupees.

3. The sentence appears to be severe, as this was the first conviction in the District; but there is no doubt punishment was well deserved, as the Deputy Magistrate has been some time in the locality, and records that he had tested the truth of the charge by personal enquiry, and assured himself of its truth.

4. He has invariably depended more upon his personal enquiries than the evidence of the witnesses brought forward; and the fact that, though constantly engaged with these disputes, he has only convicted in three instances indicates his habitual caution.

5. The Prisoner Janooky Joardar pleaded not guilty, and called three witnesses, who appeared and said they knew nothing in his favor.

6. The Prisoner Ameer Sheik also called these witnesses, April 23rd.

7. The Nazir reported no Tulubana lodged, April 25th, and he was convicted on the same date.

8. Informed the Petitioners, on their verbal application, that there was no appeal to me and advised them to petition the Commissioner, who would probably send for their case and review it.

9. This Office Register shews that the Petition filed in consequence was forwarded to your Office, 12th June.

10. No copies of the final orders were applied for by the Petitioners.

11. It is true that the majority of the Ryots in the Villages named, sowed after the conviction of Ameer Sheik.

12. I would recommend the commutation of the sentences to six months.

Resolution.—(No. 4286, dated the 17th August 1860.)

READ a Petition from certain Prisoners in the Pubna Jail, complaining that they have been unjustly sentenced to imprisonment under Act XI. of 1860, on a false charge of intimidating Ryots not to sow Indigo, and praying for release.

Read also a Report from the Commissioner of Rajshahye on the above subject.

ORDERED, that the Petitioners be informed that the Lieutenant-Governor declines to interfere with their case.

No. XLI.

Abstract Translation of a Petition from MEER FUZZUL IMAM and others, Inhabitants of Delwaspore, Serampore, &c., Thannah Shumshergunge, in Zillah Moorshedabad, dated the 17th Chyete 1266, *B. S.*, dated 9th April 1860.

COMPLAIN of the oppressions practised upon them by the servants of Mr. C. P. Lyon, Indigo Planter of Factory Bunnygaon, who forcibly sow Indigo on their paddy fields, and also on a piece of waste land which is used for the *Karbala* and other religious purposes, and for the accommodation of all people. That when disputes arise among the Ryots themselves, of which no complaint is made, they are arrested by the Factory people, shut up in the *Chapghur* and fined from Rupees 20 to 50, and in default of payment, they are confined for one or two months, and forced to eat Dhan and Barley. That the Petitioners have no concern whatever with Indigo affairs, that is, they have neither taken any advances, nor are they in arrears. That the Planter's servants forcibly cut down their trees, bamboos and grass, without paying their proper price. That they also forcibly take away their poultry, and the Planter had it circulated by Roopo Dhooby that he who would sell his poultry to any person but the Factory people, would be fined Rupees 10 and beaten with shoes. That the Factory people levy taxes on their carts and ploughs, and after seizing their cattle, impose a fine of eight annas on each of them.

That the Factory Amlah decide the Civil and Criminal Cases of the Ryots, award decrees, and realize the costs of the suit, which they appropriate to their own use. Those Ryots who institute their cases in the Civil or Fouzdarry Court are seized by the said Amlah, confined in the *Chapghur* and compelled to file Rajenamah. That the Petitioners verbally represented the matter to the Planter who did not listen to their complaints, and said that should they come to him in a large number, he would shoot them. The Planter further tried to compel them to take advances, but the Petitioners having refused to receive the same, he began to collect Soorkeewallas for the purpose of sowing Indigo by force. That the Petitioners reported the matter to the Shumshergunge Thannah and the Pharree at Furruckabad, and Sirdar Khan and other Police Officers saw that about 3 or 400 men had collected themselves at the Factory.

Subsequently Mr. Browne Wood, the Assistant Commissioner at Rajmehal, made his appearance at Serampore haut, and declared to the inhabitants of 15 or 16 Villages that he would amicably settle their Indigo disputes, just in the manner he had made a compromise between Mr. Gray, the Planter, and the Ryots, and desired the Petitioners to go to the Bunnygaon Factory. The Petitioners replied that the Planter had threatened to shoot them and they were therefore afraid to go, on which the Assistant Commissioner assured the Petitioners that as he, the Hakim, would be present, they had no reason to fear. A short while after sunset of the day on which this order was issued by Mr. Browne Wood, a noise was heard from the Factory, the Jemadar loudly exclaiming "Sepoys, be ready with your arms." The Petitioners were much frightened at this, and gave information to the Police Officer who deputed Ramtonoo Chowkeedar to the Factory to make an enquiry. What the Chowkeedar saw there, will be found in the Report submitted by the Mohurir of Thannah Furruckabad. On the following morning, the Petitioners proceeded to the Factory, in pursuance of Mr. Browne Wood's orders, with a view to obtain justice and to have their disputes settled. At a short distance from the Factory, the Petitioners, with the Police Officers, prevented the Ryots of the Villages on the west from proceeding further. Meanwhile, two muskets were fired from the Factory, and Bhaughut Hajam was wounded, whom the Petitioner took to Kossenuggur. After this, some other muskets were fired from the Factory, and it was known that some of the Ryots of Kazapoora and Sulyagram, who were proceeding to the Factory under Mr. Browne Wood's orders, with a view to have their disputes settled, were killed and wounded. It is worthy of consideration that while the Ryots were going to the Hakim, Mr. Browne Wood, the Planter fired upon them at a little distance from the Factory, and afterwards by means of false evidence, got up a false charge against the Ryots, of plundering his Factory. Had the Ryots intended to plunder the Factory, some of the Factory people must have been killed or wounded, for no Saheb with thirty or thirty-two men could gain victory over one thousand men. The Assistant Commissioner of Rajmehal and Assistant Magistrate of Jungypore say, merely for the sake of the Planter, that the Ryots wanted to fight with the Government. The Ryots are the subjects of Government, and have no power to fight. Pray for a searching enquiry into the matter.

Resolution.—(No. 1686, dated the 13th April 1860.)

READ a Petition, dated the 17th Chyete 1266, *B. S.*, from Meer Fuzzul Imam and others, of Delwaspore, &c., in Moorshedabad, complaining of the oppressions practised upon them by the servants of Mr. Lyon, Indigo Planter of Bunnygaon Factory.

ORDERED, that the Petition be forwarded to Mr. Browne Wood, in charge of the Aurungabad Sub-Division, for report.

From W. L. F. ROBINSON, ESQ., Officiating Magistrate of Berhampore, to the Secretary to the Government of Bengal,—(No. 241, dated the 7th August 1860.)

SIR,

IN reply to your letter No. 4033 of 3rd instant, I have the honor to return herewith the Petition therein referred to, which was only received by me from Mr. Wood on the 30th ultimo.

With reference to the Petition itself, six of the nine Petitioners were Defendants in the case of Queen *vs.* Lalchand Sahoo and others, concerned in the attack on Mr. Lyon at Bunnygaon, all relatives of the other parties of the remaining three, one has absconded and the other two Meer Zearut and Meer Ahmud Ali, I have this day had up and questioned them as to the grievances they have to complain of. You will observe that the Petition is a very general one, and contains no specific charges against Mr. Lyon or his servants.

The two men can give no evidence, they admit as to the most of the charges, one complains of having been fined two Rupees eight annas on one occasion for cattle trespass, and four Rupees eight annas on account of a quarrel between two women as long ago as December last, while the other complains of having had to razeenama a Civil suit he brought not getting his expenses, and also with having to attend to Indigo when he would rather look after his Dhan; all the reason they can give for not having complained before is that they were afraid.

I have explained to them that unless they complain, it is impossible for the Authorities to know what their grievances are, or how to redress them, and I have also told them that if they chose to institute a case, it will be taken up even now.

No. XLII.

From A. GROTE, ESQ., Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 110Ct., dated the 26th April 1860.)

SIR,

IN continuation of my yesterday's letter, I beg to submit, for the perusal of His Honor the Lieutenant-Governor, copy of a letter which I have this day addressed to the Magistrate of Nuddea, on the receipt of a demi-official communication from him, dated yesterday.

2. I have not yet had the report of a single suit for breach of contract on the Katgurrah Concern. From what occurred at Narainpore I suspect that Police influence had been enlisted by the Planters to prevail on the Ryots to sow, and that such of these as had shown reluctantly under this pressure ventured, when they found the Police proceedings disavowed by the Magistrate, to plough up their lands for the cultivation of Paddy.

From A. GROTE, ESQ., Commissioner of the Nuddea Division, to the Officiating Magistrate of Nuddea,—(No. 145Ct., dated the 26th April 1860.)

SIR,

YOUR demi-official note enclosing another from Mr. McNeile, dated 25th instant, from Camp Katgurrah, has given me some anxiety. Mr. McNeile, it seems, issued Warrants at the same time for the arrest of sixty-three men, and went out the *same night* with parties of the Military Police to execute the processes. Mr. McNeile took with him fifteen Sepoys and detached the Darogah with ten in another direction. After arresting seven men in one Village, and sending them in under escort of five Sepoys, Mr. McNeile proceeded to another Village, and on making an eighth arrest a crowd collected round his party and threatened a rescue on which he retreated apparently in disorder and the Prisoner escaped. No collision took place, though the Military fired a few shots in the air.

2. The Darogah's party was also mobbed, but it arrested and brought to Camp eleven Prisoners.

3. The Warrants were issued in seven complaints by Mr. Larmour, under Section VI., for breaking up Indigo Plant. Had Summons been

issued—and this is the process prescribed in Section I. for breach of contract cases, unless the Magistrate has reason to believe that the Defendants will not attend on a Summons—the probability is that the suits would have been defended. But supposing Mr. McNeile to have been justified in issuing the more stringent process of Warrant, it would surely have been more discreet to execute them in the usual way and by the ordinary Civil Police. What object was to be gained by the Magistrate's executing them in person, and at night with a Military Detachment? I could have understood the expediency in making such a demonstration in the day time, had the ordinary Civil Police been resisted in a previous execution of the Warrants.

4. Having however determined on such an expedition, Mr. McNeile should have shown more firmness. Had he done so, it was hardly likely that an unarmed mob would have attacked an European Officer and ten armed Sepoys.

5. I am very glad that you sent off your party of twenty Lahore Horse at once to Katgurrah and that you follow them to-day. You are right too to have strengthened temporarily the Civil Police of Bagdah Thannah. This in fact should have been done before, had Mr. McNeile found himself short of hands.

6. I find that Mr. Larmour attributes the breaking up of the Indigo in these cases to your Perwannah dated 15th, translation of which accompanied your eighth Weekly Report. If this be the case, it is to be regretted, and indeed, I should have preferred that you had refrained from issuing a Perwannah in such general terms. A simple withdrawal of Mr. McLean's order which authorized the Police to prevent the Ryots from sowing Paddy on lands claimed as Indigo lands would have been sufficient.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 2162, dated the 4th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 110Ct., dated the 26th ultimo, and in reply to inform you that the Lieutenant-Governor approves of the remarks contained in your letter of

that date to the Magistrate of Nuddea, on the subject of certain injudicious proceedings of Mr. Joint Magistrate McNeile in the Katgurrah Indigo Concern in the Kishnaghur District.

From MAJOR T. RATTRAY, Inspector of Military Police Battalions in Bengal, to the Secretary to the Government of Bengal,—(No. 284, dated the 28th April 1860.)

SIR,

DEMI-OFFICIAL information having reached me that another party of Military Police in the Southern portion of Kishnaghur, under Mr. McNeile, the Magistrate, had been compelled to retire, by order, before a mob of riotous Villagers, I deem it my duty, as Chief of the Military Police in Bengal most respectfully, but earnestly to record my opinion regarding these disturbances.

2. On this occasion it appears that the Magistrate proceeded at night taking with him *fifteen* Military Police to a certain Village, for the purpose of apprehending *sixty-three* rioters. In the first Village he succeeded in arresting seven rioters; these he sent away under charge of five Sepoys. With the remaining ten he proceeded to another Village, where a mob assembled and rushed at the Magistrate, yelling furiously. The Magistrate was forced to retreat, the mob following, and were only stopped by the Magistrate firing a couple of shots over their heads. During the retreat, the one Prisoner escaped.

3. The Darogah who was sent in another direction was also mobbed.

4. I must observe that these operations were conducted at night.

5. In the first place it is my opinion absurd for a Magistrate to take with him fifteen men to apprehend sixty-three rioters. The Magistrate should always have sufficient men with him to ensure his success, otherwise he had much better not go at all.

6. This is the second time, a small party of Military Police have been compelled to retreat before a body of Villagers; such a proceeding must tend to demoralize the Police, bring them into disrepute and ridicule, encourage the rioters and teach the people to despise the Civil Authorities.

7. I am of opinion that had Mr. Lingham or Mr. McNeile fired a few shots upon the rioters and thus dispersed them, it would have had far better effect than retreating before them. If such policy continues

had been sent up to me, the proceedings had been too summary. I expect to see a great improvement in those suits which are now in course of decision.

4. I am glad to say that Mookhtears now again attend to conduct the Ryots' cases in the Mofussil Camps.

5. The *P. S.* to Mr. Herschel's Report is a strange one, but I await the promised further information.

6. In Jessore I hear many of the alleged Indigo lands have been sown with Paddy during the late rains, and suits there are now only commencing.

7. In Baraset one case of intimidation only has been reported, and in this the complaint was rightly dismissed.

Ninth Weekly Report on the state of the Indigo Districts in Zillah Nuddea, from 22nd to 28th April 1860.

THE sense of uneasinesss under the new Law has by no means died out so rapidly as I had expected. The number of issues, raised in an overwhelming number of cases thrown in the hands of Officers unused to the decision of Civil suits, has caused that the Law has been interpreted, except as to the main point of cash advances, in almost as many ways as there have been varieties of suits. The difficulties that lie in the way of a fair exercise of the Law have been aggravated more than can well be expressed by the uniform denial of all connection with the Factories by the Ryots. Their efforts have hitherto been directed solely to breaking down the evidence to the receipt of cash, and as generally the Planters have proved this. The Ryot has abandoned his case, and the Mookhtears even, when shewn the account of claim for damages, have allowed it to pass unchallenged. In the Sub-Divisions, where legal advice is not to be had of much value, the difficulties are even greater. In those of Damoorhoodah and Kurreempore in particular, I cannot but commend the patience with which Messrs. Maclean and Platts have endeavoured, as far as they could in summary form, to unravel the questions that arose, Mr. Mackenzie, with more time at his disposal, has gone most thoroughly into his cases. I regret to say that I have had in many instances to point out errors in Law to my Subordinates; that in many more have errors been pointed out by the Commissioner, and in some even by the Government itself. Nevertheless, I believe that in the main justice is

being done, as I am perfectly certain that the attempt to do it is straining the powers of every Officer in the District.

2. My Weekly Reports are not in yet, so that I cannot give detailed results.

With one exception, however, I have not heard of any Indigo being broken up this week, and I think I may report the growing Crop as tolerably secure.

Sowings are largely advanced in all but three Concerns in the District, Messrs Tripp's, Mears' and White's. Mr. Larmour informs me that in his Mulnath Concern, 550 Villages have sown 30,000 beegahs as usual. His Khalbolca Concern has not quite settled down, and in the Katgurrah Concern a sudden revolution of feeling against sowing took place, which I shall notice further on. In Mr. Forlong's Concern, the progress is slower, and the same with other Planters.)

3. The outbreak in Katgurrah (reported to Government in the Commissioner's letter,) turns out to be a much less serious affair than I anticipated. There are seven Villages around Belia, on the borders of Jessore, which sowed their Indigo about a fortnight ago. On Sunday, the 22nd, after the Seed had sprouted, they broke up the greater part with ploughs; complaints were lodged against them, and Warrants issued for a large number of Defendants. Anticipating resistance to the regular Police, after the rescue of the Narai[illegible]e Prisoners, Mr. McNeile took a small party of Military Police [illegible]m at night, and arrested several of the Defendants in their houses. [illegible]e Ryots, however, flocking together, and calling out for others, Mr. McNeile, entirely ignorant of their numbers, and of his own position, had to retreat from the Village into the Plain, where a few shots fired into the air dispersed the crowd. It was pitch dark. While loading Muskets one of the Prisoners escaped. I received the news next afternoon, and started off a party of twenty of the Lahore Light Horse and fifty of the 6th Bengal Military Police. We (Captain Raban and I,) reached Katgurrah on the 27th, and making a night march of nine miles, surrounded the Village of Belia at day-light next morning. The Defendants required had absconded, and, except as an exhibition of force, the march of Troops was useless. The Ryots of course denied any intention to attack the Magistrate, and had the arrest been attempted in the day time, it is not likely that the affair would have happened at all.

4. In speaking to the Ryots about the breaking up of the Indigo, they declared they had refused to sow Indigo at first, and had broken it up afterwards, because Indigo cultivation had been forbidden by Government. They told me I had forbidden it myself. The real cause I believe to have been simply this, that they refused to sow under a firm belief that Government had forbidden them to do so, and that they had now agreed to do it under a strong moral pressure, and that they repented after they had sown. They admitted having taken cash advances, complaining however of their smallness, after they had been taxed by the Factory Amlah. I tried to discover whether any personal violence had been used, but they admitted that it was to the Hakim of the Factory that they had submitted. They said they had no choice but to throw up their lands or sow Indigo, but if the Company's order was to sow they would do so now.

5. It appeared to me a perfectly hopeless task to enquire into the amount of moral force used by a Planter Zemindar in the present summary manner. I told the Ryots as much, and that, under the circumstances, they had done wrong to break up Indigo which they had actually sown. "Well, we have done wrong! but are we to sow it again?" they asked. I said I certainly thought they should. They begged for a distinct order, and I gave it to them, *viz.* "to sow." "There! it is over now," they said, "we will beat the land down again." I gave the promise of Government that the whole case would be more fully enquired into by the Commission. They had not heard of it before. To judge by the eagerness with which they received the news, it appeared to satisfy them that the object of Government was to see the system reformed.

6. Under the new Law the number of Prisoners has increased to

Sentenced for Intimidation	...	56
„ „ Destruction of Crops	...	77
„ „ Breach of Contracts	...	233
Total	...	366

7. The only case in which, so far as my present reports go, a Planter has failed altogether to establish his case, is that of Mr. White, of Hanskally, my decision on which has already been submitted to

you. Several other cases put in by him have been withdrawn in consequence. I have not yet heard the result, except that Mr. White is settling all his cases out of Court.

8. The Mookhtear sentenced by Mr. Betts has been released under orders of Government. I may reply herein to your call for a report on the result of the sentence. Every Mookhtear left Damoorhoodah at once, and they refused to plead in my own Court, till I informed them that I had sent the case up. I should add that the fifty men of the Bengal Military Police, sent out on the 25th, return here directly.

W. J. HERSCHEL,
Officiating Magistrate.

P. S.—Mr. Platts reports that one of the Darogahs in his Sub-Division has been arrested for bribery and instigation, by the Magistrate of Patna. Further particulars will be given hereafter. Mr. Platts also suspects him of it.

No. 2237.

COPY forwarded for the information of the Government of India in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM,
The 7th May 1860. } *Under Secretary to the Government of Bengal.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 2260, dated the 5th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 115Ct., dated the 1st instant, submitting the Magistrate of Nuddea's ninth Weekly Report on the state of his District.

2. The large number of persons of the respectable class of Ryots who prefer being cast in damages which they cannot pay, and being sent to prison, and having all their property sold off, to continuing to cultivate Indigo for this one season, is a painful subject of contemplation to the Lieutenant-Governor.

3. He had been led to suspect, before receiving this Report, that so many Ryots would not have preferred this ruinous alternative if they had been fully assured that by cultivating Indigo this one year their position next year would be none the worse; and that Ryots who fulfil their engagements this year will be as free next year, either to agree to cultivate Indigo or to refuse to do so, as those Ryots will be who undergo imprisonment and ruin in the meanwhile. What Mr. Herschel now reports of the Ryots of Belia, on the borders of Jessore, having been ignorant of the promise of a Commission of Enquiry which has been made, tend to confirm this suspicion.

4. The Lieutenant-Governor desires that you will strongly urge on all the Magisterial Authorities engaged in the enforcement of the new Law, the great importance of impressing upon the minds of the Ryots who have been prosecuted and cast, and upon all their neighbours who, there may be reason to believe, have taken advances for this season, and upon all Ryots in general who are in the same position, but hesitate to sow, the facts that the present Law is temporary in its operation, and that before the next sowing season has come round a Commission of Enquiry will have sat, who will listen to whatever grievances they may have to complain of, and on whose report it is certain that such a system will be established next year as will be equal and just to all parties. After this season it will be at the option of the Ryots to contract and take advances for Indigo or not, as they please; and those who this year fulfil their bargains for this year will be in every respect as free to choose their own course next year, before the season for sowing arrives, as those who foolishly go to prison and involve themselves in ruin.

5. It is possible that, as has been reported, the Law may not have been everywhere represented to the Ryots in this light. It is possible that the Ryots may have been induced, in some places, to regard the Law as involving the permanent legal sanction of the present Indigo system, as Mr. Grote was led to believe had been the case. And hence, in some places, Ryots, seeing no hope of ultimate emancipation from a system, their aversion to which can no longer be treated as questionable, may be driven by despair to break with the Factory, now once for all, at any cost.

6. It is for the Magistrates themselves, by patient explanation to the Ryots, and to their Mookhtears and friends, and Zemindars, and all connected in any way with them, to correct any mistaken impressions

of this nature. It is difficult to believe that already so many as 233 Ryots, who know that without protest at the time they have accepted the usual advances this year, would ruin themselves in order to break their engagement now, if they thoroughly understood the strength of what, if they choose, will be their position next year, and the weakness of their actual position this year.)

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 15, dated the 18th May 1860.)

SIR,

I HAVE the honor to submit a copy of the correspondence noted in the margin, for the consideration of the Lieutenant-Governor.

A. Nuddea Magistrate's letter, dated 11th May 1860.
B. Nuddea Magistrate's letter, dated 13th May 1860.
Commissioner's reply, No. 181Ct., dated 14th May 1860.
C. Nuddea Magistrate's letter, dated 15th May 1860.

2. It will be in the Lieutenant-Governor's recollection that very shortly after the receipt of your letter No. 2260, dated the 5th instant, I waited upon him at Allipore and requested permission to prepare and issue a Notification in the words of the 4th paragraph of that communication for circulation in the Kishnaghur, Jessore and Baraset Districts.

3. My reason for making this request was, that after daily personal communication with several Ryots from Kishnaghur, I had good grounds for believing that many of the people were entirely unacquainted with the circumstances of their position, and that the publication of these circumstances in the words of the Lieutenant-Governor, and under his authority, might be the means of saving some of them from the ruin they were bringing down on themselves, and their families, by their obstinate refusal to fulfil their engagements as required by Act XI. of 1860.

4. The Lieutenant-Governor was pleased to express his assent to my proposition, and the Notification was prepared and dispatched for issue accordingly. From the Magistrates of Jessore and Baraset I have not received any reply, my instructions having, I believe, been duly carried out in both those Districts; but from the Magistrate of Nuddea I first received the remonstrances marked A. and B., to which I replied in my letter No. 181Ct., dated 14th instant. These remonstrances

were then followed by a third marked C., but which I was unable to answer previous to my departure from the Presidency.

5. On my arrival at this Station I had a personal interview with Mr. Herschel on the subject, and as he firmly adhered to his objections to circulate the Notification, I had no other course to pursue but to do it myself.

6. Mr. Herschel's objections to carry out my instructions appear to be found on the following reasons :—

1*st.*—That it is wrong to hold out expectations to a Ryot which may possibly never be fulfilled.

2*nd.*—That the Ryots will put interpretations upon the Notification it was not intended to convey, and then charge the Government with a breach of faith for not having fulfilled them.

3*rd.*—That it is almost too late to do anything this season, the Ryots who have not yet sown being determined not to change their minds.

Lastly.—that the translation of the Government Orders is incorrect.

7. On the first point I think it is unnecessary for me to say more than I have done to Mr. Herschel; it is not for Officers in Mr. Herschel's position to question the propriety of the words of the Government. If the Lieutenant-Governor thinks it right publicly to proclaim his opinion on the future prospects of a certain class of Indigo Ryots, the responsibility in such a matter cannot rest with Mr. Herschel, and if such were permitted after the circumstances of the case had been duly explained, there would clearly be an end of all subordination and discipline.

The second reason that the Ryots will put other meaning on the words than the Lieutenant-Governor intended to be put, is an assumption only, and though doubtless, as coming from Mr. Herschel, entitled to some weight, should not, I think, be permitted to outweigh all other considerations.

The third reason is that it is almost too late to do anything this season. On this matter I am entirely at issue with Mr. Herschel. The sowings as I have said in another communication may, if the weather continue favorable, be extended through this month, and I should not look upon the issue of this Notification as a vain effort if it were the means of saving only a dozen people from the penalties of Act XI. But I would not limit its possible benefit to the question of

sowing only, it may be the means of inducing those Ryots who have already sown, under fear of the Law honestly, peaceably and willingly, to fulfil other conditions of their engagements, and thereby prevent many differences and difficulties which I foresee will arise before the manufacture is brought to a close.

Lastly, the inaccuracy of the translation. I did not understand Mr. Herschel to have questioned the correctness of the expressions it contained, compared with the words of the Government letter, until after he had received my letter No. 181Ct., of 14th instant. I submit the Notification in Bengalee for the purpose of its being compared by the Government Translators with the words of the 4th paragraph of Mr. Young's letter of the 5th May above alluded to.

8. I need not assure the Lieutenant-Governor that I endeavoured to render the words of that paragraph most exactly in Bengallee, and that the only deviation I believe I made from the words of the original was that, instead of using the phrase "free to choose their own course," I wrote "free to sow or not to sow, to take or not to take engagements." Writing for Ryots I considered the latter words likely to be more intelligible to them, and yet conveying precisely the same meaning.

9. In conclusion I beg to report my having furnished a copy of this letter to Mr. Herschel, in order that he may be able to furnish without delay any further explanation he may wish to make of his proceedings.

From W. J. HERSCHEL, ESQ., Magistrate of Nuddea, to the Commissioner of the Nuddea Division—(No. A., dated the 11th May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 77Ct., containing a Notification which I am directed to publish.

2. Before doing so I beg to submit for your consideration the reasons which have hitherto prevented my taking the same step myself, in the earnest hope that the publication of this Notice may still be withheld.

3. The last words of the Notice were thus :—"Those who having taken advances this year shall sow according to their agreement, to them it will be a matter of free choice *whether they sow next year*, and whether they take advances or not.

4. Seeing how the Ryots here seize on every expression which suits their own wishes, it is impossible for me to doubt that a Notice containing the words underlined will be interpreted by them to mean simply "if you sow this season, you need not sow the next season."

5. I have tried my very best in every case that has come before me, and in accordance with the instructions now received, I will try, if possible, still more to satisfy the Ryot that the order to sow which I now give does not apply to next season; that whether he will have to sow or not next year will depend on the nature of his connection with the Factory, and on the view which the Commission may take of it, but I have never dared to use any expression which could be construed into an anticipation of the final decision of the Commission.

6. I have always felt that it was better to face any amount of ill-feeling and opposition this year than to hold out a hope to the Ryot which perhaps I might not be able to satisfy.

7. In any case that has come before me I have had it in my power to induce the Ryot to sow by the simple promise that by so doing he would become free of all obligation to sow next year. But in no case has the evidence before me been such as to allow me to say more than this "you know what is the agreement between yourself and the Factory. For this year, you are ordered to sow; as for next year, if there is no agreement of course you need not sow, but if there is, you must wait for the order of the Commission, who will see whether it is a fair agreement."

8. This I have told the Ryots in, I believe, every case that has come before me, but it has no effect. The notice, now enclosed, appears to me to go a step further in its terms. There are many cases in which (pending the decision of the Commission) I certainly could not tell the Ryot that he need not sow again next year.

9. But even if the notice be not intended to apply to such cases, I cannot, for one instant, doubt that every Ryot in Nuddea would understand it to do so. But I must doubt whether having induced him to sow, by this idea we can afterwards fulfil the expectation we have raised.

10. There is one other reason, and it is, that more than any reliance on my own judgment which induces me to delay for twenty-four hours the issue of the Notice.

11. It is almost too late now to alter the determination of the Ryots as to the "sowing." Indeed the sowing season is almost over, and I very

much doubt whether any Ryot will now change his mind on any consideration. It appears to me, therefore, not to be worth the while of Government to discount the public peace of next year for the slight additional change of peace this year which the step now contemplated would afford.

12. In conclusion, I do not conceal from myself the probability that my hesitation may be judged disrespectful. Nothing but the strength of my convictions could have induced me to hesitate. I trust I may not be judged to be wrong.

From W. J. HERSCHEL, Esq., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. B., dated the 13th May 1860.)

SIR,

IN continuation of my letter of yesterday's date which I wrote in great haste on finding that the original letter which I had written had not been posted by my writer up to within half an hour of post time, I have the honor to beg leave to add a few words on a point which, from your demi-official reply received to-day, I fear I may not have clearly put forward.

2. The words of the Notification which have alarmed me are those which I underlined, and in taking what I fear may perhaps be considered the unprecedented course of begging for a reconsideration of the terms of a printed Notification, I relied on the very clear view which I have obtained of the extent to which the Ryots in this Zillah are at present capable of understanding such Notices.

3. The terms of the Notice are, I verily believe, such that every Ryot who reads it will understand it to mean,—"If you will sow this year you need not sow next year." They put out of sight altogether (at least they do so to my understanding, and the Ryots will surely not read it less favorably to themselves) the possibility of any report being made by the Commission which is now to sit upon which any compulsion, whether Penal or Civil, have to be put in force against the Ryots for the performance of contracts alleged to be now in existence for next year's sowing.

4. When I see how great a strain has been put upon the confidence of the people in the good faith of Government by the passing of the present Law, I cannot but once more endeavor to point out what will

be the position of Government next year, if, on the report of the Commission any the slightest penalty be imposed, whether that of damages or of imprisonment upon the non-fulfilment of contracts which embrace next year or if even a refund of the balance be ordered, an order which alone might compel a Ryot to sow.

5. As regards the mere right of the Ryot to enter on, or to refuse to enter on, any fresh agreements next year, nothing can be more obvious than the strict propriety of the issue of a Notification to *that* effect (though, to judge from enquiries made since yesterday, even that would be quite ineffectual to add more than a mere trifle to the sowings of this year) at this late season. But it becomes a very difficult thing, otherwise I would not venture to object, when the Ryots are told, as in this Notice, that they are at liberty "to sow or to agree to sow" as they choose.

6. So worded, I cannot avoid the conclusion which I have already stated, that the issue of the Notice might commit the Executive Government to a principle of action next year which the Law framed on the Report of the Commission whatever it may be, may not confirm.

7. If, in bringing again to your notice the peculiar effect which the words underlined must in my opinion produce, I am unreasonably exceeding my province, I pray that you will consider that it is only when the Government faith of governed is being endangered in my opinion formed on what I now see of the Ryots, that I do so.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Magistrate of Nuddea,—(No. 181Ct., dated the 14th May 1860.)

SIR,

I HAVE the honor of acknowledging the receipt of your two letters, dated 12th and 13th instant, regarding the issue of the Bengallee Notification forwarded with my letter No. 77Ct., dated 9th idem.

2. In reply, I have to inform you that the Notification was prepared with the permission of the Lieutenant-Governor, and admitting the translation to be a correct one of the orders contained in the 4th paragraph of Mr. Young's letter of the 5th May, I do not think that its

publication should be withheld on the ground that you consider that it will receive a certain interpretation in the mind of the Ryots, and may thus expose the Government to the charge of promising what hereafter it may not be able to make good. In this matter the responsibility clearly rests with superior authorities, and you should now carry out the orders you have received on the subject.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. C., dated the 15th May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 181Ct., pointing out that the correctness of the Notification depends solely on the precision of the translation, and that if that be correct I have done wrong in hesitating to obey your orders.

May I then still beg your attention to this point. The words in the Secretary's letter which nearest approach to the terms of the Notice are the following—(from the 3rd paragraph) "Ryots who fulfil their engagements this year will be as free next year either to agree to cultivate Indigo or to refuse to do so as those Ryots, &c." I believe the only correct translation of these words would have been a *Nilboonani kouti swikar kowa athaba aswikar kowa.*

As the Bengallee now stands it appears to me that all reference to this formation on the existence of any agreement is omitted in the underlined parts of the words *Nilboonai kora o dadam lowa na lowa.*

If you think there is any reason at all in my objection I trust you will not press me to publish an order which, with my present knowledge of Bengallee, I could not honestly utter myself, without first laying the correspondence before His Honor the Lieutenant-Governor.

N. B.—The words in the 4th paragraph "free to choose their own course" refer evidently to the words immediately preceding, *viz.*, "to contract and take advances or not."

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 20, dated the 22nd May 1860.)

SIR,

IN continuation of paragraph 9 of my leter No. 15, dated the 18th instant, I have the honor to forward herewith a letter from the

Officiating Magistrate of Nuddea to your address, containing an explanation of his proceedings in regard to the issue of the Notification.

From W. J. HERSCHEL, Esq., Officiating Magistrate of Nuddea, to the Secretary to the Government of Bengal,—(dated the 22nd May 1860.)

SIR,

I HAVE the honor to submit, in accordance with the instructions of the Commissioner, the following explanation of my conduct, regarding the issue of his Vernacular Notice for the consideration of His Honor the Lieutenant-Governor.

2. The letter which gave cover to the Notification conveyed also a copy of the Lieutenant-Governor's instructions on which it was grounded. On reading the Notification it appeared to me to contain a distinct promise in the name of the Lieutenant-Governor to the effect that any Ryot, who should sow this year, need not do so next year.

3. Reading over the Lieutenant-Governor's letter, I found no appearance of any such promise in it, as indeed I could not conceive how such a promise could be given.

4. I therefore laid the matter before the Commissioner in my letter, dated the 11th instant, and again on the 13th, stating my objections to the terms of the Notice, and the very strong impressions, under which I felt bound to urge those objections. That they would have applied to the issue of a correct translation of the Lieutenant-Governor's letter, or that I ever intended them to be understood so to apply, I can by no means admit. It was the deviation from it alone that raised doubts in my mind, and that it struck me so forcibly was partly owing to an accident. About two months ago I had pointed out, as in my opinion incorrect, a precisely similar use of similar words on the part of Baboo Hemchunder Kerr, who, on a Petition from a Ryot, passed an order to the effect that the Petitioner was not bound "*to sow or* take advances" unless he chose. I wrote to the Baboo to tell him that the first words contained an assumption which he had no right to make.

5. The reply given me to the two letters is before Government, and except a verbal repetition of it, I have received no more decisive orders. It left me in the painful position of being unable to say whether it was intended to be imperative or not. It stated that "admitting the translation to be a correct one of the 4th paragraph

of the Lieutenant-Governor's words," the interpretation which the Ryots might put in it, was a matter in which the Commissioner thought that I was not the proper judge, and that I should now carry out the order I had received. But I could not, nor can I now admit that the translation is correct; on the contrary, it was (so at least I thought) obvious that the whole of my objection rested on this one point.

6. I submit, therefore, that, on receiving so doubtful an intimation of the Commissioner's opinion, I had no choice but to ask for a reference to the Lieutenant-Governor as to the meaning of his own words. It appeared to me that it would be trifling with the faith of Government to let the matter drop, when I found that my objection was virtually admitted to be sound.

7. No reference to Government was made, nor has my opinion been decisively overruled in any other way. If then I was justified in making my objections known at all, I do pray that I may not be pronounced insubordinate for merely adhering to them.

8. I beg leave to add a few words not directly referring to the explanation called for. The Commissioner points out that the Notice is addressed only to one class of Ryots, to whom, he states, that the promise may be fairly given, namely, to those who having taken advances this year shall sow.

9. But it is evident that if this class understand a promise to be given to them, that they will be entirely relieved next year from all obligation to sow; the rest of the Indigo cultivators, who have taken no advances this year, will be justified in applying the promise to themselves as well. Yet in both classes are many cases to be found on whose obligations to sow next year the Commission will have to report.

10. I do not know, having kept no copies of the correspondence, whether I have mentioned that up to the extent of the Lieutenant-Governor's intention as apparent throughout the Indigo correspondence, not only I, but every one of my subordinates have wearied themselves out in the attempt to place the Ryot's true hopes before him.

11. What the result of the present Notification will be next year will depend entirely on the result of the enquiry now being held. That it will be a just one to the Ryots no man can doubt. But with the deepest respect for the opinion of the Commissioner as to the nature of that

result, and believing that the promise now given cannot be withdrawn, I entreat the most earnest consideration of Government to the best means of satisfying the Ryots, when the time comes, that this promise has been kept in spirit more even than in words.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2811, dated the 29th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 15, dated the 18th instant, submitting copy of a correspondence with the Magistrate of Nuddea, relative to a Notification issued by you under paragraph 4 of Orders No. 2260, dated the 5th idem, together with your subsequent communication No. 20, dated the 22nd instant, forwarding, in original, a letter of explanation on the subject from Mr. Herschel.

2. The Lieutenant-Governor does not, in the least degree, blame Mr. Herschel for setting forth his objections to the Bengallee Notification, the point urged by him being of sufficient importance to justify his request of a reference to Government.

3. On the other hand, feeling satisfied that the Bengallee Notification which you had prepared was correctly expressed, as time pressed, you were justified in issuing it yourself.

4. As the Notification has now been issued, and as owing to the sowing season having been so near its close its operation cannot have been important, the Lieutenant-Governor considers it unnecessary now to enter upon the question raised by Mr. Herschel of the perfect correctness of the Bengallee wording.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 180Ct., dated the 10th May 1860.)

SIR,

I HAVE the honor herewith to submit, for the information of the Lieutenant-Governor, the accompanying tenth Weekly Report of the Magistrate of Nuddea, and the first Weekly Report of the Magistrate of Jessore, regarding the present state of affairs connected with the Indigo cultivation in their respective Districts.

2. NUDDEA.—I regret to notice that Mr. Herschel reports the number of cases under Act XI., to be very largely increasing; at the same time I would observe that a little further on Mr. Herschel mentions that the sowings are positively progressing. The greatest number of cases hitherto received by me has been from Mr. McLean's Sub-Division of Damoorhoodah.

3. I can fully endorse the difficulty Mr. Herschel represents he finds in the just administration of the Law by the stubborn denial of the Ryots of the fact of any advances at all having been given them. I have formed this opinion from the statements of several cases sent down to me from Kishnaghur, and also from personal intercourse with a large number of Ryots, who have been in daily attendance at this Office. In some instances they have admitted to have been in the habit of going to the Factory, and Seed has been proved to have been furnished them from the Factory for the Crop of the present season; and in many others again they have acknowledged that they cultivated last season, but they all deny having any advance for the present season. I have gone over the ground with them over and over again of the folly they are committing and the ruin they are bringing on themselves by refusing to acknowledge their obligations, and to work them off as required by the Law, but I have seldom had any but one answer. "We are under no advance of any kind."

4. Possibly, the general diffusion of the remarks contained in the 4th paragraph of your letter No. 2260, dated 5th instant to my address, may be of good service, and for this purpose I have had them carefully translated into Bengallee and a large number lithographed for circulation in all those parts of the Districts where Act XI. has been in operation, directing at the same time the Local Authorities to take every pains to see that their meaning is thoroughly understood. Some few Ryots have openly expressed to me that if they could have the assurance that their grievances would be carefully enquired into this year, they would be prepared to fulfil what Act XI. now requires of them, and possibly this assurance, which is now being conveyed to them under the high authority and permission of the Lieutenant-Governor, may be of some effect.

5. I regret extremely the omission of such an important word in Mr. Herschel's Perwannah, and quite concur with him in thinking circumstances shew the omission was not made through inadvertence.

6. JESSORE.—The Act appears to have been put very little in force in this District, only six cases have been disposed of, though ten more have been instituted. Mr. Molony has omitted to send me the statements of these cases, which I have called for. I have also requested him to let me have in future, details of the number of men confined, amount of damages realized, &c., so as to have his Report on the same plan as Mr. Herschel's.

7. BARRASET.—I have no Official Report from the Officiating Magistrate of this District, none being thought necessary.

8. There have however been no cases tried under Act XI., though a very few were instituted, but of this small number five have since been compromised.

No. 614.

Tenth Weekly Report of the state of the Indigo Districts in Zillah Nuddea, ending 5th May 1860.

THE number of cases instituted under the Act is very largely increasing. There are now pending not less than 250 against single individuals.

The following is the number of Prisoners under the Act :—

CRIMINAL.		CIVIL.
For intimidation.	For destruction of Indigo.	For breach of contract.
67	90	409

The realization of damages has not always been peaceably effected, one case of resistance to the Nazir having occurred in Damoorhoodah. This was owing solely to the presence of an unnecessary number of the Planter's people with whom a dispute arose at once. I have given orders to prevent the recurrence of such scenes. The Nazir's peon was beaten with the Factory people and the sale would not proceed at the time, considerable sums have been realized and I have called for a special Report on this. My Weeklies will always contain a record of the Prisoners released on payment of damages and of the amounts realized by sale and by voluntary payments.

I can give no distinct report as to the progress of sowings, except that they are positively progressing.*

The publication is rapid effect of my Circular Order to the Police was so unexpected that I called for reports as to how it got known. It appears that of the sixteen copies of the Order sent to the Sub-Divisional Officers for transmission to their Police one copy had the word "*na*" omitted in it, so that it read as follows:—

"উপরোক্ত হুকুম তোমার ও তোমার তাঁবেদারের জন্য লেখাগেল এবং ইহা তোমার নিকট থাকিবেক সাধারনগণকে দেখাইতে হইবেক"।

The particular copy was addressed to the Darogah of the Damoorhoodah Thannah, (close to the Village of Joyrampoor) the one Thannah where such a public Notice would produce the greatest mischief and most speedily. It was published by him at once, I enclose a copy of the hukumnama which the Darogah issued on the strength of it to his Burkundauzes stationed in different Villages. I have reprimanded the Darogah for his carelessness in not detecting the inconsistency of the sentence as it reached him. So published it is not to be wondered at that it was seized on with avidity, I observe with some surprise that a translation of it containing the prohibitory clause has actually been published by the daily papers in Calcutta, as if its publication in one Thannah had not done harm enough already.

The responsibility for the error committed rests with my Peshkar, who had the copies made under his own eye and signed them as correct. I cannot believe that it was an act of mere carelessness of his and I have suspended him for it, and shall report the result of further enquiries into his conduct. I believe it was purposely done.

Several of the Ryots are paying up the damages asssessed on decree being given.

I must repeat that the just administration of the Law is rendered incalculably difficult by the stubborn denial of the Ryots to the fact of any advances at all having been given. While defences so palpably false, as in some cases they are, continued to be offered, it is not to be expected that justice can be done.

The Ryots who have come before me have been closely defended by a very acute Mookhtear whose services I would gladly notice with praise if his clients did not make such assertions as the following, which is the

* Sic in orig.

defence generally offered now to me. "A Ryot being asked whether he has ever grown any Indigo, denies it, says that the Planter has for years cultivated his (Ryot's) lands without his consent, though through his means, but that he does not know what the yield of Crop may be as he has never enquired. That he has never been to the Factory to receive advances or payment and has never had a pice given him for Indigo nor for the use of the land."

A defence so false puts it out of the power of a Court to enter into any useful enquiry.

The destruction of Indigo is entirely stopped in the Bongong Sub-Division, and the malicious destruction of it is, I believe, stopped everywhere.

W. J. HERSCHEL,
Officiating Magistrate.

Translation of the Perwannah issued by Greesh Chunder Bose, Darogah of Thannah Damoorhoodah, to Joheeruddeen, Moneeruddeen, Hillo Khan, Mokkur Khan, and Shibruttun, Burkundauzes.

TAKE notice that the Magistrate's order of the 17th April last, prohibiting the Ryots to sow the lands, pointed out by the Factory people as Indigo lands, with Paddy, is cancelled by to-day's order, so that you will inform the Ryots and the Chowkeedars of the Villages in which you are posted, and of their neigbouring Villages, of this cancellation. It is optional to the Ryots to sow their lands with whatever Crop they choose; the Police have no business to prevent the Ryots from doing so, or to interfere in any other way in the matter. But you will explain it to the Ryots that, if after having taken advances in cash and entered into a contract to sow Indigo on a fixed plot of land, they break through the contract and sow the land which has been fixed with any other Crop but Indigo, and should a suit be brought against them on that account on the part of the Factory and it be proved, the Magistrates will inflict severe punishment on them under the new Act.

You will no longer prevent the Ryots from sowing Paddy. You will only explain to them that, under the above circumstances, they will be liable to punishment for not sowing Indigo.

The 20th April 1860.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Commissioner of the Nuddea Division, —(No. 1A, dated the 6th May 1860.)

SIR,

AT your request, I have the honor to forward a Weekly Report of matters worthy of notice which have occurred within this District regarding the movement of the Ryots in the matter of Indigo cultivation. The Concerns which have still lands unsown in this neighbourhood are Sindoori, Locknathpore, Goldar, Jaradah, Katchikatta, and Carregona. In the first but little rain has fallen, and the sowings are very backward in consequence. In the second there are but few Villagers in the District, who, with some few in Kedjoora Factory of Goldar, have sown dhan in most parts of the Indigo lands. In Goldar most of the Indigo in the Jessore Villages has been sown, and I hope the sowings there will be completed with rain that fell upon the evening of the 3rd. In Katchikatta there are three Villages in the Jessore line which will not sow. They have, I believe, sown dhan in their Indigo lands. In Jaradah there are some six Villages remaining unsown. I have hopes that some of these will sow. In Carregona there are two Villages which are doubtful.

There have been only six cases decided under the new Act for breach of contract, in which decrees were given at the rate of 20 Rupees per beegah, ten more were instituted on the 4th.

In another week I shall probably be able to inform you to what extent the new Law is likely to be used.

No. 2627.

COPY forwarded for the information of the Government of India, Home Department.

By Order of the Lieutenant-Governor of Bengal,

A. R. YOUNG,

Secretary to the Government of Bengal.

FORT WILLIAM, *The 21st May* 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2475, dated the 15th May 1860.)

SIR,

WITH reference to paragraph 5 of your letter No. 130Ct., dated the 10th instant, I am directed to request that you will be so

good as to submit, for the Lieutenant-Governor's information, a special Report relative to the Perwannah issued by Mr. Herschel on the 19th ultimo, with a view to correct the practice sanctioned by Mr. Maclean in the Damoorhoodah Sub-Division of stopping the Ryots from sowing rice on what were claimed as Indigo lands.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 43, dated the 7th June 1860.)

SIR,

IN reply to your letter No. 2475, dated 15th ultimo, I have the honor to report that the reasons assigned by Mr. Herschel for the issue of the Perwannah of 19th April, are described by him as follows :—

"For some eight or ten days previous to the 19th of April, I found that the passing of the new Law was being generally interpreted as signifying that the Ryots were to be made to sow, one and all, this year. I had all but resolved on issuing a Circular to the Police when I heard from Mr. Maclean, demi-officially, that he had issued an order on his Police to prohibit the Ryots from sowing rice on lands marked for Indigo.

"The pressure under which Mr. Maclean issued this order had been very great. To meet similar pressure here myself, I had to send for the headmen of the Villages which were sowing rice indiscriminately and warn them of what might be the consequence.

"The order on the Police was however so very unlike Mr. Maclean's remarkably steady course hitherto, that I replied to him by return of post, demi-officially, telling him to correct his order in his own way. At the same time the order itself was an index of more extreme proceedings on the part of the Police, and as these were not confined to Mr. Maclean's Division, I circulated the Perwannah in question."

2. I consider the above reasons to be full and sufficient, and trust they will appear in the same light to the Lieutenant-Governor.

3. Presuming it is the desire of the Lieutenant-Governor that this report should also embrace the circumstances under which the Perwannah was published at Damoorhoodah, I beg to submit for perusal, the accompanying copy of a decision I passed on the appeal of Mr. Herschel's Peshkar, in which they will be found to be detailed in full. I have to apologize for the length of the decision, but it appeared impossible to me at the time to state the case fairly in a lesser compass.

Copy of original draft of Perwannah as prepared in English by Mr. Herschel.

THE sowing of Indigo and Rice having commenced, I observe that several Police Officers are exceeding their authority in attempting to secure kist by inducing the Ryots to sow.

2. I have to call the attention of all Police Officers to my orders of 21st March, in which the Police were absolutely prohibited from using their influence one way or the other. They were directed merely to read the Law or other orders out, but not to attempt to explain it. If the Ryots do not understand they must be told to come in to the nearest Magistrate.

3. The duties of the Police are now much simpler than before. The Law is now pretty well understood, and the late orders to read it out in any Village where it may be necessary are accordingly stopped, excepting as to the Section about destroying Indigo. The destruction of Indigo is to be prohibited to the utmost. The Darogahs will now confine themselves to their usual duty of keeping the peace only.

4. The new Law does not give the Police any more power than heretofore to either order a Ryot to sow Indigo or to prohibit him from sowing rice. It merely allows the Magistrate, after judicial enquiry, to order a Ryot who has taken advances to sow Indigo, and it allows the Ryot if he prefers to pay the damages to sow rice. If he does not pay the damages he will go to prison.

5. This order is not to be published. It is intended for the guidance of yourself and your Subordinates, and it is to be kept to yourself.

Appeal from the Peshkar of the Nuddea Magistrate's Office against the order of the Magistrate, dismissing him from his appointment for the wilful omission of the word "na" from a copy of a Circular Perwannah addressed to the Darogah of Thannah Damoorhoodah, dated 19th April 1860.

THE circumstances of this case are briefly as follows:—On the 19th April the Magistrate wrote the draft of this Perwannah in English and then gave it to the Peshkar to be translated into Bengallee, with the assistance of the English Writer of the Office.

2. The translation was, when completed, overlooked by the Magistrate, corrected in one or two points, and an omission of "that is not to be published" supplied.

3. The approved draft then seems to have been made over to the Serishtadar, with whom it remained until the Office was about to close

when he remarked that it should issue without delay. To this the Peshkar demurred saying: "it is now late, we have eaten nothing, give me the draft, and send writers to the Meer Moonshee's house, and I will see that the order is carefully obeyed." This statement is corroborated by the Meer Moonshee and other Omlah, the former positively asserting that the Serishtadar also authorized the countersignature of the Perwannah by the Peshkar, because his house was some distance off; but the Serishtadar gives no positive testimony to this point, though he confirms others.

4. It is here necessary to refer to the general practice followed in writing Perwannahs, when several copies, as in this instance, have to be made. The bodies of the Perwannahs are first written out, and then they are made over to one person to enter the heading. The object of this is obvious, it prevents any confusion from two writers, each addressing the same Thannadar and ensures greater security against any omission. It is also to be observed that by this plan no writer could say to what particular Thannadar the copy of the order he was then writing would be despatched; it would depend entirely on accident. In this particular instance the usual practice was followed, the headings were made by an Umedwar, and the body of the Perwannah which was sent to Damoorhoodah, and contained an omission of the word *na*, was written by the Acting Perwannah Nuvees, and not a Mudud Nuvees as recorded by Mr. Herschel.

5. It appears clear from the record of the case, that the Peshkar was not present while these Perwannahs were being written, but that, when they were all finished, he was sent for, and having countersigned them they were taken to the Magistrate for signature and issue.

6. The circumstance of the word *na* having been omitted, leading to the immediate publication of the order at Damoorhoodah, the Magistrate made enquiries and the result of these is the present appeal.

7. The first point on which the Magistrate remarks in his decision is the intention of the Peshkar to make mischief from the beginning of this case, by the omission of the words "this, not to be published."

8. Now, if the Magistrate considered at the time that the omission of his sentence was wilful, or that there was evidence in support of this charge, he would certainly have taken notice of it. None, however, was taken, and therefore it may be fairly assumed that it was not until the publication of the Perwannah took place, and the omission of the word

na discovered and traced to the Peshkar, that the Magistrate imputed a wilfulness to this omission, which he had not seen before.

9. The question therefore for consideration appears to confine itself to this. Was the conduct of the Peshkar, subsequently to the translation and approval of the Perwannah, such as to justify suspicions of what was not suspected before, and to lead to the conviction that the omission of the *na* was wilful? On going through the records, I cannot discover that he took any improper or irregular steps to get the preparation of the Perwannah in his own hands, or that having obtained it he exercised any undue control over its subsequent preparation and issue. On the contrary it would appear that, but for certain circumstances which are fully explained, the Peshkar would have had nothing more to do with the matter, for the draft of the Perwannah, after approval, had passed into the hands of the Serishtadar, and would, according to general practice of the Court, have been countersigned by that Officer, when written by the Mohurirs with any reference to the Peshkar.

10. The circumstances under which the issue of the Perwannah fell into the hands of the Peshkar are set forth in paragraphs 3 and 4, and fully convince me that he did not wilfully make the omission charged against him. The only point of importance open to doubt is, whether the Serishtadar did give him the power to countersign them, but concurrent circumstances, besides direct testimony to the contrary, convince me that he did, and that the shuffling evidence given by the Serishtadar on this point, which is extremely discreditable to him, was framed to excuse himself from the appearance of having neglected a duty which was more properly his own.

11. The carelessness however of the Peshkar in not having thoroughly* examined the orders previous to countersigning them is unquestionable, and considering their importance, and the great stress the Magistrate had previously laid on their accuracy, of which the Peshkar was well aware, I sentence him to be suspended from Office for three months, in lieu of the order of dismissal passed on him, on the 10th May 1860, by the Officiating Magistrate.

12. As the proceedings connected with the issue of this Perwannah at Damoorhoodah form part of the records of the case, this would seem to be a proper place for their consideration.

13. It would appear that the three Perwannahs intended for the Damoorhoodah Sub-Division were sent under cover to the Assistant

Magistrate, but it was never discovered in his Office that the one intended for Damoorhoodah differed so entirely in the last sentence from that of the other two, as to render it absolute nonsense. Again, the same carelessness appears to have been committed by the Darogah who, on receipt of the Perwannah, never thought of referring to the Assistant Magistrate for an explanation of the irreconcilable passage. "This order is only for you and your Subordinates, it will stay by you, and it shall be shown to every body."

14. But in my opinion it was not the publication of this Perwannah which is stated by the Assistant Magistrate to have been widely circulated, which led so immediately to the excitement which is reported to have followed as other proceedings which attended it.

15. It would appear that, immediately on receipt of the order at Damoorhoodah, the Assistant Magistrate issued instructions stating—his Order of the 17th April, forbidding paddy to be sown on Indigo lands, was modified; and in the same order contrary to the instructions given by the Magistrate to the Police, the Darogah was requested to explain to the people certain parts of Act XI. The Darogah was thus in receipt of two different orders at the same time, but instead of referring the matter, which he ought to have done, he took a middle course of his own, and issued a hookumnamah on all the Burkundauzes stationed where the combination against Indigo was the strongest, containing instructions directly contrary to the Magistrate's and Assistant Magistrate's orders, and expressing in plainer language than had heretofore been made public, the option people had of sowing Indigo or Paddy. This fact will, I think, be clearly apparent by comparison of the translation of Mr. Herschel's order of the 19th accompanying the case, and the translation of Mr. Maclean's orders with the Darogah's hookumnamah which are now given opposite to each other.

Abstract Translation of Mr Maclean's orders.

THE orders of the 17th April have *been modified.* Explain to the people that they should not sow Paddy on lands for which an ad-

Abstract Translation of Darogah's Hookumnamah.

THE orders of the 17th April, which forbad people to sow Paddy on lands which had been marked out by the Factory people for the growth of

vance for Indigo has been made, for if they do, their property will be liable to attachment under Section II.

If people intend sowing Paddy on lands marked for Indigo, the Darogah will explain to the principal people what the Law and practice is, and that if the Ryots disobey the Law on this matter, they will be tried for breach of contract.

Indigo, *are stopped* by the Magistrate's orders of to-day's date. Therefore you will *explain to the people and the Chowkeydars in the Village in which you are stationed, and to the people of the surrounding Villages, that they may sow on their own fields what they like,* there is no necessity for the Police to forbid or to interfere in this matter; but you will inform the people that, if those who have taken cash advances for the cultivation of Indigo on specified plots of land grow other Crops on it, they will, on a suit being established against them by the Planter, receive severe punishment from the Magistrate according to the new Law. You will not forbid the people to sow dhan, but you will explain those people who* don't sow Indigo, what punishment the Law will inflict on them.

*This is very obscurely worded in the original, it might mean just the contrary.

16. The papers are now returned to the Magistrate with a request that, after calling upon the Darogah for an explanation of his conduct in regard to this hookumnamah, he will re-submit them at an early date with the Darogah's reply and his own opinion as to what should be done thereon.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3117, dated the 13th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 43, dated the 7th instant, submitting the explanation called for in my letter No. 2475, dated the 15th ultimo, regarding the Perwannah issued by the Officiating Magistrate of Nuddea on the 19th of April last, on the subject of the interference of the Police in the cultivation of Indigo.

2. In reply, I am directed to state that the Lieutenant-Governor considers you have taken a very just view of the case of the Peshkar

of the Magistrate's Court. The Darogah of Damoorhoodah appears to be the only Officer on whom suspicion of intentional misconduct can still rest, and he may plead Mr. MacLean's order to publish a certain explanation of the Law, and the contradictory on this point, and unintelligible copy of Mr. Herschel's Perwannah which he received.

3. The mischief was done not by the instruction to the Police Darogahs, for which alone Mr. Herschel is responsible, and which are in themselves perfectly correct, but by the publication made by the Darogah of Damoorhoodah for which, as it was directly contrary to Mr. Herschel's order, that gentleman is not in any degree responsible.

4. The Lieutenant-Governor considers the explanation submitted quite satisfactory.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal, —(No. A., dated the 16th May 1860.)

SIR,

I HAVE the honor to submit herewith, in original, the eleventh Weekly Report of the state of the Indigo Districts in Zillah Nuddea, from the 5th to 12th May.

2. Mr. Herschel refers in his 1st paragraph to the sowing season being nearly over, but if the weather should continue favorable, many lands yet unsown may be sown all this month, especially the high lands in the neighbourhood of Loknathpore.

3. I submit a Table showing, which I believe to be, a pretty accurate account of the lands which have been sown in the Factories belonging to the Bengal Indigo Company.

		Quantity estimated to be sown.	*Quantity actually sown.*
Mulnatee	...	29,235	28,500
Kal Bauleah	...	20,000	15,000
Katgarrah	...	11,000	9,500
* Patkabaree	...	14,000	14,000

This Return is some days old. I have since heard that in Katgarrah the sowings have been completed with the exception of 600 beegahs.

---

* The sowings in this Factory are all October.

4. In the South of the District, Messrs. Watson and Company have sown all their lands without any difficulty. Of Messrs. Hills and Company's Factories I have no Returns, but I believe at a rough estimate three-fourths of their lands have been sown.

5. The Lieutenant-Governor will perceive from the above Statement, that the Indigo prospects in Kishnaghur, notwithstanding all that has been said, are by no means discouraging.

6. Next week I shall endeavor to submit from Kishnaghur more accurate Returns in this matter, and I shall also try and shew in a more clear and complete manner, the results of the working of the Special Law, with the gross amount of damages decreed, and the average rate at which they have been assessed per beegah.

7. I have already submitted for the Lieutenant-Governor's information, a letter I had issued on the subject of fixing the amount of damages, which I trust may be the means of leading the Officers concerned to go into the question now thoroughly than they have hitherto done. Yesterday I received Statements from Mr. Mackenzie, Deputy Magistrate at Hatbolea, shewing how in four days we had cast seventy-nine persons in damages for refusal to sow at the rate of Rupees 20 a beegah. Possibly, the production and careful examination of accounts may have shewn this to be a fair sum, but I believe that, in the majority of instances, Rupees 10 per beegah would give the Planter 100 per cent on his outlay.

8. The District, with the exception of the case referred to by Mr. Herschel, has been very quiet. The general temper of the Ryots has been that of entire submission to the new Law, except perhaps, in some parts of Katgarrah, where they have refused to admit, either the Manager, Mr. Larmour, or his Agents into the Villages. I have requested Mr. Herschel to strengthen the Police in that neighbourhood, if necessary.

9. The *Nizabad* question referred to by Mr. Herschel towards the close of his Report, will receive my immediate attention at Kisnaghur, where I hope to go to-morrow morning.

10. *Jessore.* I have not yet received the Returns from this District, but a demi-official communication from the Joint Magistrate reports every thing quiet, and that the new Law is thoroughly understood by the people.

11. *Baraset.* The few cases I mentioned last week, as having been instituted under Act XI., have been withdrawn, and no others have since been brought on the file.

Eleventh Weekly Report of the state of the Indigo Districts in Zillah Nuddea, from 5th to 12th May 1860.

THE sowing season is now virtually over. A few more days remain, but I doubt whether many Ryots who have not sown hitherto will do it now; what the precise amount sown is, I cannot of course tell; but I have no reason to suppose that any Concern will come out an actual loser on the expenses incurred, and the Crop itself, I am glad to say, promises extraordinarily well.

((The number of suits instituted has increased enormously. At the present moment there are not much under 300 Defendants on trial.

The number in Jail is as follows :—

Date.	Under Regular Laws.	Under New Law.		
		Intimidation.	Destruction of Plant.	Breach of Contract.
12th May ..	199	66	85	437

Since the Law has been put in force there have been released from Jail—

On payment of damages or at the request of Plaintiff ... 33

On expiry of terms for intimidation and destruction of Plant ... 10

Some fifty or sixty more will pay up their damages in a day or two.

There has been no difficulty in effecting the sales with the one exception reported last week.

The following shows the amounts realized in the different Courts (except in Mr. Mackenzie's, who has only lately been employed at Boaleah.)

Amount paid up on decree without going to Jail.	Amount paid in cash to obtain release from Jail.	Amount realized by sale.
27 Debtors, Rs. 2,986 6 3	20 Debtors, Rs. 2,097 15 3 To selling Officer. 6 Debtors, Rs. 113 8 0 Balance not realized by sale.	6 Debtors, Rs ... 408 8 0 In full of demands. 11 Debtors, Rs ... 251 8 0 In part of demand. Balance to be recovered still.
2,986 6 3	2,211 7 3	660 0 0
	Total ...	5,858 13 6

The debtors in the first column are the wealthiest and most respectable of the Defendants. Those in the last column the least so.

It is generally stated that the Ryots have refused to sow. This is true as regards the majority of those who have been brought to trial, but as regards the greater portion of the Indigo cultivators it is tolerably clear that they have yielded.

I believe the number of recusant Ryots would have been very much less if the remedy, provided by the Law, had been applied earlier by the Planters.

As it was, complaints were not very generally preferred until the Planter had tried his own power of coercion to the utmost, and had failed.

Mr. Forlong's Ryots were complained against almost immediately, and I believe they are the only ones who have to any extent agreed to sow on the order being passed.

To fill up the cultivation, the Planters are said, in several places, to be sowing their own "Nizabad" in Indigo more largely than usual. This is being prevented by the Ryots and is bitterly complained of by the Planters, but on enquiry it seems very doubtful which party is in the right.

The "Nizabad" so called, is land not Khaskhamar, which is not let out at all, but land tenanted by Ryots. The Planter, whether legally or not, I cannot yet say, has been in the habit of calling on a Ryot to

give up certain lands to himself for his own cultivation for one season and to this the Ryots have apparently agreed or submitted hitherto.

This year they stand upon their ryottee tenure: and refuse entry to the Planter.

This is obviously a very different thing from preventing the latter from cultivating what are really "Nizabad" lands, but whether the Ryot is right in his refusal to surrender his land I cannot as yet say. Mr. Howell, whom I sent out to enquire into one dispute in Mr. Forlong's Factory has, I hear, given possession of the land to Mr. Forlong, who dug it up in October last.

In consequence of the attempts to sow such lands there has been a rather serious affray at Sharbarree, where the Factory servants, with a party of spearmen, got into a quarrel with the Villagers, and one man, a stranger to either party, was severely speared through the thigh, and another slightly wounded. The Factory is under charge of Mr. Wood, one of Mr. Wearer's Assistants, but it is dare to Mr. Wood to say he has shewn displeasure at the conduct of his men.)

The Peshkar of my Office, who was suspended, has been dismissed the service and is held to bail to take his trial if Criminal evidence can be obtained against him.

In translating my English Perwannah he omitted the words, "this is not to be published," which I noticed and desired him to add. Why he should have omitted them, if not on purpose, I cannot conceive. At all events, that he did so, and that after all, the Damoorhoodah copy should have been so falsified, leaves no doubt whatever in my mind that he caused the omission. The particular Perwannah in question was written by a "Taid Nuvees" and the name of the Thannah put in by an Oomedwar who has no legal connection whatever with the Court.

W. J. HERSCHEL,
Offg. Magistrate.

No. 2626.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM,
The 21st May 1860.

H. BELL,
Under-Secretary to the Government of Bengal.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2570, dated the 17th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. A., dated the 16th instant, enclosing Mr. Herschel's eleventh Weekly Report of the state of the Indigo Districts in Zillah Nuddea.

2. The state of the cultivation reported therein is more satisfactory than could at one time have been hoped for. It is gratifying to the Lieutenant-Governor to learn that the Indigo Crop itself promises so well.

3. But the large number of Ryots who have gone to prison, rather than cultivate, although their whole property does not afford the means to pay the full damages assessed, is a sad subject of contemplation.

4. The Lieutenant-Governor requests that you will be so good as to make a full report upon the Nizabad question. Mr. Herschel's account of it is not comprehensible.

5. The fact of the sowing season being nearly over, whilst the number of plaints for breach of contract to sow are rapidly increasing, will, it is hoped, operate to induce the Magisterial Authorities to devote their attention more and more to the thorough and just settlement of these plaints, which, from the moment when sowing becomes impossible, cease to have any bearing beyond the simple matter of Civil action as between the parties. All excuse for hurried decisions is therefore at an end.

6. The Report of Mr. Mackenzie's proceedings is alarming, inasmuch as he appears in seventy-nine cases, decided in four days, to have given in every case neither more nor less than double the maximum rate of damages which could be given under the forms of agreement known to be adopted by some of the largest Indigo Concerns. If, from the examination of these cases, you see reason to doubt Mr. Mackenzie's competency to decide equitably Civils suits of this character, you will direct him with advertence to the instructions contained in paragraph 6 of my letter No. 1564, dated the 4th ultimo, to try no more breach of contract cases.

7. The Lieutenant-Governor requests that you will submit an early Report on this subject.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 17, dated the 22nd May 1860.)

SIR,

I HAVE the honor herewith to submit, in original, Mr. Herschel's twelfth Weekly Report on the state of the Indigo Districts in Zillah Nuddea.

2. Having spent the past week in this District myself, during which period a great part of each day has been employed in personal communication with Ryots, Zemindars and Planters, I think I can safely endorse Mr. Herschel's opinion in stating that very few more sowings will be now made.

3. It is impossible to paint, in too strong colors, the determination of those Ryots, who refuse to sow, to change their minds. As Mr. Forlong was exceedingly anxious to come to terms with the Ryots who were under advance to him, and was prepared to make liberal advances towards this end, I sent for some who were then undergoing the penalty of their recusancy in Jail, to hear what they might have to say on the subject, but the prospect of their immediate release, and the restoration of their property, which had been sold under the decrees against them, had no effect upon them; they would die, they said, a thousand deaths rather than cultivate another beegah of Indigo.

4. The question, as to what parts of this District have been more peculiarly affected than others by this spirit of determination against the cultivation of Indigo, will form an interesting subject for enquiry and report on a future occasion. In the meanwhile, I would beg the Lieutenant-Governor's attention to the 4th paragraph of Mr. Platts' letter, in which he remarks on the opposition made by the Ryots against Mr. Smith, the Proprietor of the Katoolie Factory, and Zemindar, and Mahajun besides. I believe it will be found that, contrary to all expectation, the strongest antipathy to take advances has been manifested by the Ryots living in Villages, the property of the Planter and *not* of the Zemindar. If this be so, and I do not doubt it myself, there would appear to be but one explanation, *viz.* the grinding oppression and extortion which the Ryots of an Indigo Planter suffer at the hands of the Gomastahs and other subordinate servants attached to a Factory. The more firmly a Ryot is placed in the powers of the Planter, the closer and

harder would appear to be the pressure put on him by these myrmidons for they deserve no better name, that live on the Factory.

5. The Zemindars have certainly not openly shewn that they have been encouraging their own Ryots in refusing to fulfil their contracts. In some instances, they have personally come forward and assisted the Planters, and it has been through their favorable intervention alone that so many beegahs have been sown.

6. Mr. Herschel has been unable to prepare any Statement of the exact number of cases now pending under Act XI., but I believe it may be estimated at least a 1000, and that there will be at least a 1000 more. It is quite impossible with the existing machinery at my disposal that the trial of these cases can be properly conducted, and the regular business of the District efficiently carried on at the same time. No Officers can be working more zealously than they all are at present in Kishnaghur, and yet Mr. Herschel can find no time to attend to the Collectorate, where appeals under Act X. of 1859, and other matters, are daily accumulating. If the demands of the public service will not permit the Lieutenant-Governor to increase the Staff here by at least another Joint and Deputy Magistrate, or two Deputy Magistrates, perhaps the Lieutenant-Governor would approve of applying to the Legislature to empower subordinate Civil Judges to take up breach of contract cases under Act XI. The principles and rules on which damages should be levied have been carefully prepared and circulated, and, with these before them, two or three Sudder Ameens or 1st Grade Moonsiffs, well conversant with English, for that is indispensable to the proper examination of the Factory Accounts, would justly and efficiently dispose of these cases. The powers to decide other cases which might arise under this Act should be confined, as at present, to the Authorities mentioned in Section VIII.

7. As I have every reason to believe there is no occasion or any likelihood of occasions to detain the present Military Force in Jessore and Nuddea, I beg that the Lahore Light Horse may be withdrawn. I would also support the arrangements proposed by Mr. Herschel for the reduction of the Military Police ; in another fortnight those at the out-posts might also be withdrawn, and 200 or 250 men only of the 6th retained at Kishnaghur. My only reason for not recommending this should be done at once is, that after such a strong show of Troops throughout the District, the sudden reduction of all of them would be imprudent.

8. The Weekly Report from Jessore has not yet been received.

Twelfth Weekly Report on the state of the Indigo Districts in Zillah Nuddea, from 13th to 19th May 1860.

THE sowing season may be looked on now as concluded. The total result cannot be accurately stated even now, but enough information has been obtained to enable me to state positively that, on the average of the whole District, not less than three-fourths of the usual amount of sowings have been got into the ground.

The absolute necessity of speedy decisions having now ceased, and the nature of the accounts being more clearly exposed, a fair Balance Sheet has been drawn out, which, with my instructions in it, I beg to submit, in original, requesting that you will return it. I have since then adopted the average of five years as the basis in the matter of yield of leaf per beegah in the case of each Ryot separately. On this calculation the damages will vary in cases, now before me, from 4 Rupees 6 annas per beegah on the worst field in the worst Factory in the Khalboleah Concern, to Rupees 21 on the best fields of the best Factory. The average appears to be about Rupees 11 per beegah in that Concern.

There is prospect of a very large number of suits being preferred against those who have not sown, and I would recommend that whatever Officers be appointed to assist in the work of deciding them, they should be Officers who are in the habit of examining Account Books. From what I have myself seen, and from what I hear from Mr. MacLean as the result of his own experience, it seems to me absolutely necessary that the Factory books should be submitted to the scrutiny of practised Judges, such as the Civil Judges.

I think the Military Force might now, to a large extent, be withdrawn; the Lahore Light Horse certainly, and the Military Police, all but the following whom I would retain at their post:—

KURREEMPORE.—Twenty-five men under a Native Officer.

DAMOORHOODAH.—Fifty men under a European Officer, twenty of whom to continue to be posted at Bauleah, or wherever the extra Judicial Officer is while away from Damoorhoodah itself.

BONGONG.—Twenty-five men.

The Lahore Light Horse might return to Dum-Dum.

The Detachment of the 5th Battalion, Military Police, might return to their Head-Quarters at Hooghly. Of the 6th Battalion, I think, 300 men retained at Kishnaghur itself will be sufficient.

I regret that I have not been able to obtain in time for this Weekly Report a precise Statement of the results of decrees. I can state however that the damages have been paid up by more than one-third of the Defendants; 107 out of 437 have been released from the Jail on payment of the damages, and almost as many have paid up without going to Jail, the reduction in the damages will, I hope, facilitate payment.

I annex an Extract from Mr. Platts' Report. This Officer has maintained, with a few errors, a very judicious and firm position throughout, and I think his Reports deserve notice. I beg to call your attention to paragraphs 3, 4 and 5. They contain in three cases a picture of the whole District.

The Bongong Sub-Division is quiet again, and the Joint Magistrate has returned to Bongong.

Extract, paragraphs 2, 3, 4 5 and 6, from a letter from Mr. F. T. PLATTS Deputy Magistrate of Kurreempore, to the Magistrate of Nuddea,— (No. 98, dated the 18th May 1860.)

PARA: 2. The present state of this Sub-Division is as follows:—

The sowings of the Shikarpore-Factory have been completed and there is every promise of a fine Crop. The Indigo movement extended only to a few Villages of this Factory and met with a check at once, as the Indigo Law came into operation at the same time.

3. The Nundunpore sowings have also been in a great measure completed, a very few Villages only (two or three) still holding out. The Ryots of this Factory have, with but few exceptions, remained quiet during the late disturbances, and as Nundunpore adjoins the [redacted]ttunpore branch of Mr. Hill's Concern and also the Katoolie Concern, the Ryots of which places have been somewhat turbulent and very strongly determined not to sow, I can conceive the fact of their remaining quiet, and sowing to be only the happy result of Mr. Sibbald's good management and his liberal and conciliatory dealings with them.

4. The Katoolie Ryots are very unsettled and changeable. I believe they would resolutely have held out against Indigo cultivation, but for the power Mr. Smith holds over them. He is their *Mahajun* as well as their Landlord. Their rents are in arrears, they have generally speaking but little money or food, and Mr. Smith's Golabarees are stocked with grain; as it is, about half the sowings of this Concern have been completed.

5. The Ruttunpore Ryots are as determined as ever. Most of them have sown Dhan on their Indigo lands, and very little, if any, Indigo beyond the Kartic Crop has yet been sown. There appears not the slightest prospect of improvement in this Factory. I have repeatedly pointed out to the Ryots (but with no success) the folly of their *conduct* in not working out their advances, thereby incurring the temporary loss of their liberty and their reduction to beggary, and that a Commission has been appointed to enquire into the present system of Indigo contracts and cultivation, and that the result is sure to be attended with benefit to themselves (the Ryots).

6. The number of breach of contract cases instituted in this Court has been somewhat limited. Mr. Smith of Katoolie (as will be seen from his deposition in Case No. 52) made but few cash advances, and Mr. Sibbald has not had, nor is likely to have occasion to institute such suits. It appears that Mr. Tripp's cases are being decided by a Deputy Magistrate of Pubna; so that there remain only the cases of the Ruttunpore Factory which, however, promise to be very many.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM, *The 31st May* 1860. } *Under-Secretary to the Government of Bengal.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2754, dated the 26th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 17, dated the 22nd instant, submitting, with your remarks, the Magistrate of Nuddea's twelfth Weekly Report on the state of the Indigo Districts.

2. The very large number of Civil suits for breach of contract (about 2,000) reported by Mr. Herschel, cannot be decided within a reasonable time by the Magistrate and his Assistants, and Deputy Magistrates, without stopping all the proper Magisterial and all the

Revenue business of the District of Nuddea, which these Officers have to conduct. And as the sowing season is now closed, the disposal of these Civil suits can have no effect on the season's sowings, and has become now, therefore, in every point of view a mere matter of ordinary Civil judicial business.

3. It is very desirable, however, that the Plaintiffs, whose claims are good, should, if possible, obtain decrees and execution by the time they would have realized the price of their manufactured Indigo, if the Defendants had provided them with the Plant. But as there is no appeal in these cases, which are in their nature Civil suits, sometimes involving points of difficulty, it is very undesirable that the additional strength to be given for the above purpose should be given in the form of Officers inexperienced in such business.

4. The Lieutenant-Governor desires, therefore, that the Sub-Divisional Officers and the Staff of the Magistrate and Collector at the Station of Nuddea will henceforth apply themselves exclusively to their regular Magisterial and Revenue duties, inclusive of the trial of cases under the Penal Clauses of the Indigo Act. For the disposal of the breach of contract cases under that Act, two selected Principal Sudder Ameens will be immediately sent to the District, and vested with Magisterial powers therein, which they will exercise only in the trial of the Civil Suits in question. Mr. Davidson, Principal Sudder Ameen of Midnapore, and Mr. Bell, Additional Principal Sudder Ameen of the 24-Pergunnahs, have been appointed for this purpose. If necessary, a third Principal Sudder Ameen will be appointed in the same manner. The Judge will also be vested with the same powers, for the same exclusive purpose; and Mr. Herschel himself, the Magistrate, will also give any time he may be able to spare to the suits, and will retain the duty of allotting them amongst the Officers empowered to try them. The two Principal Sudder Ameens will be sent under his order to such places as may be most convenient for Suitors. By this means the proper as well as speedy trial of these Civil cases will be better provided for even than heretofore; whilst the important regular work of the District will no longer be interrupted.

5. The Lieutenant-Governor does not think it would be well to make over these trials, as you propose, to Sudder Ameens or Moonsiff. He has no doubt that they would be properly tried by selected Moonsiffs; but as there is no appeal from the decisions, he does not think it would

be right to give powers under the Law to Officers of lower position in the Official scale than those in the contemplation of the Legislature when it passed the Law, namely, Magistrates, Assistants to Magistrates and Deputy Magistrates. On the other hand, vesting a Judge and selected Principal Sudder Ameens with the Civil powers granted by the Act (the summary procedure remaining of course exactly what it was) is unobjectionable in every point of view.

6. As the existing Law is only temporary, and will indeed become inoperative in a few months, the Lieutenant-Governor does not consider it advisable to apply to the Legislature to amend it. No more Joint Magistrates or qualified Deputy Magistrates can be spared, the want of such Officers being now extreme. But it has been ascertained from the Sudder Court that two, or if necessary, three Principal Sudder Ameens can be spared; and the duty could not be entrusted to better hands.

7. Orders will be issued on your recommendation for the withdrawal of the Lahore Light Horse.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to A. DAVIDSON, ESQ., Principal Sudder Ameen of Midnapore,—(No. 2734, dated the 26th May 1860.)

SIR,

I AM directed to inform you that the Lieutenant-Governor has been pleased to vest you with the full powers of a Magistrate in the District of Nuddea, for the purpose of trying by summary process complaints of breach of Indigo contracts under Act XI. of 1860.

2. You will be so good as to proceed to Kishnaghur with all practicable despatch.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to J. S. BELL, ESQ., Additional Principal Sudder Ameen of the 24-Pergunnahs, —(No. 2735, dated the 26th May 1860.)

SIR,

I AM directed to inform you that the Lieutenant-Governor has been pleased to vest you with the full powers of a Magistrate in the District of Nuddea, for the purpose of trying by summary process complaints of breach of Indigo contracts under Act XI. of 1860.

2. You will be so good as to proceed to Kishnaghur with all practicable despatch.

No. 2736.

Copy forwarded to the Commissioner of Nuddea for information.

No. 2737.

Copy forwarded to the Magistrate of Nuddea for information.

From A. R. Young, Esq., Secretary to the Government of Bengal, to P. G. E. Taylor, Esq., Officiating Judge of Nuddea,—(No. 2798, dated the 26th May 1860.)

Sir,

I am directed to inform you that the Lieutenant-Governor has been pleased to vest you with the powers of a Magistrate in the District of Nuddea, for the purpose of trying by summary process complaints of breach of Indigo contracts under Act XI. of 1860.

No. 2799.

Copy forwarded to the Commissioner of Nuddea for information.

From A. R Young, Esq., Secretary to the Government of Bengal, to Captain O. J. Travers, Commandant, Lahore Light Horse,—(No. 2755, dated the 26th May 1860.)

Sir,

The Lieutenant-Governor having been informed by the Local Civil Authorities that the presence of the Lahore Light Horse is no longer required in the Nuddea and Jessore Districts, I am directed to request that, on receipt of these orders, you will be so good as to return with the men under your Command to the Head-Quarters of the Corps at Dum-Dum.

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Officiating Secretary to the Government of India, Military Department,—(No. 2748, dated the 26th May 1860.)

Sir,

With reference to my letter No. 1148, dated the 24th of March last, I am directed by the Lieutenant-Governor to forward for the information of the Government of India, the accompanying

copy of a letter which has this day been addressed to the Commandant of the Lahore Light Horse, dispensing with the further presence of that Corps in Nuddea and Jessore.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 50, dated the 8th June 1860.)

SIR,

ON the appointment of the two Principal Sudder Ameens to the District of Nuddea to try breach of contract cases, I considered it would be expedient if they being stationed at Damoorhoodah were also directed to take up such cases from the Jessore District, bordering on that part of the Country, and I accordingly asked Mr. Molony's opinion on the subject. In reply he agrees with me that this plan is the best that can be adopted, and proposes to transfer all cases which are pending or may occur in the Concerns of Lokenathpore, Goldar and Katcheekatta, to the Special Officers for decision, as the convenience of this arrangement will be felt by both the Planters and the Ryots owing to Damoorhoodah being so much nearer to these Concerns than Jessore.

2. Under these circumstances, I solicit the Lieutenant-Governor to invest Messrs. Bell and Davidson with powers of a Magistrate to be exercised in Jessore also, and to permit me to direct the Magistrate, as in Kisnaghur, to make over to them whatever cases of breach of contract he may think proper.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to A. DAVIDSON, ESQ., and J. S. BELL, ESQ., Nuddea,—(NOS. 3162 & 3163, dated the 14th June 1860.)

SIR,

I AM directed to inform you that the Lieutenant-Governor has been pleased to vest you with the full powers of a Magistrate in the District of Jessore also, for the purpose of trying by summary process complaints of breach of Indigo contracts under Act XI. of 1860.

No. 3164.

COPY forwarded to the Officiating Commissioner of Nuddea for information, with reference to his letter No. 50 of the 8th instant.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 23, dated the 23rd May 1860.)

SIR,

I HAVE the honor to submit the accompanying Report, in original, from the Magistrate of Jessore, received since the despatch of my letter No. 17 of yesterday's date.

2. The Lieutenant-Governor will doubtless be glad to notice what comparatively very little occasion there has been to work Act XI. of 1860 in Jessore.

3. I have looked through some of the decisions by Mr. Molony under that Law, and regret that they do not appear so thoroughly prepared as they ought to have been. Since then, however, general instructions have been issued requiring accurate and well considered proceedings in these cases, which are doubtless now being carefully observed by Mr. Molony.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 94, dated the 21st May 1860.)

SIR,

I HAVE the honor to inform you that during the present week nothing of any importance has transpired. There has been no sowing rain, in consequence of which the sowings of the Sindooree Concern have not yet been finished.

2. The annexed Memorandum prepared in conformity with the instructions contained in your letter No. 85Ct., dated the 11th instant, will show you the results of the administration of the new Law, and as all the Records are forwarded to your Office you will be acquainted with the manner and principles on which the cases are decided.

3. I hope to be able to finish all the remaining cases that have been or will be instituted by the end of this week, except in instances* in which the Defendants have absconded, and in those in which the Defendants are in Jail at Jessore.

* 3 in number.

Memorandum showing the total number of persons in Jail in cases adjudicated under the new Law.

Criminal.		Civil.	Remarks.
For intimidation.	For destruction of Indigo.	For Breach of Contract.	
0	14	111	Out of 111 persons eighty-five were released on voluntary payment of damages, and six were released on Mochulka with specific orders to fulfil their contract, and twenty persons are confined in the Civil Jail on account of the non-payment of damages.

E. W. Molony,
Magistrate.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 33, dated the 29th May 1860.)

Sir,

I have the honor to submit the thirteenth Report,* in original, from the Officiating Magistrate of Nuddea, on the state of the Indigo District.

* With enclosure.

2. I trust that in the whole the Lieutenant-Governor will consider the Report satisfactory. It is a great source of congratulation that fair and equitable damages are now being generally assessed throughout the District. The Table which accompanies the Report will show to the Lieutenant-Governor the careful investigation and great pains taken by Mr. Herschel to arrive at a correct result. No revision of the past high rates could, I think, be made without an alteration of the Law, and I

am quite unable to form any idea of what would be the number of persons likely to benefit by it.

3. With advertence to Mr. Herschel's 9th paragraph, I have to observe, that I understand a Planter also calls those his Nizabad lands which actually form parts of the holdings of his Ryots, and out of which holdings he is in the habit of marking a portion of land every year to be set apart for the cultivation of Indigo by the Factory. Many Ryots instead of having kept these lands apart have sown them down with paddy; and the question has arisen whether this paddy cannot be attached under Section II. of Act XI., but I am of opinion that it cannot, because the lands to be cultivated with Indigo have not been defined by the agreement between the Planter and the Ryots. The rights and interests of these parties regarding right of ejectment from, and occupancy of these lands are duly provided for in Act X. of 1860.

4. The number of suits likely to be instituted will, I expect, be greatly in excess of that anticipated by Mr. Herschel. In consequence of Mr. MacLean having stopped the institution of suits for two or three days at *Damoorhoodah* owing to his want of hands to write the orders, the Returns now submitted do not show a correct result. When all hope of sowings has passed away every Ryot under advances who has not sown will most likely be sued, and though many of these cases may be thrown out they will still all require time and investigation.

5. During the past week I visited Damoorhoodah and saw a very large concourse of Ryots, but though I talked with them very long, and felt satisfied, they were thoroughly acquainted with their position, they always ended with one answer, " we are quite unable to sow.

6. I enclose for the Lieutenant-Governor's perusal a letter I addressed the Magistrates, which will, I trust, have the effect of promoting the despatch of suits and securing the best possible price for distrained property.

7. With regard to Mr. Mackenzie, I thought it better he should still continue to discharge his duties at Hâut Bauleah. Any change at the present time is greatly to be deprecated as giving rise to all sorts of false reports and rumours, besides Mr. Mackenzie is a painstaking Officer, and will, I feel sure, discharge his duty with much greater carefulness now that he thoroughly understands what is expected of him.

Thirteenth Weekly Report on the state of the Indigo Districts in Zillah Nuddea, from 20th to 26th May 1860.

THERE has been no disturbance during the week worth bringing to notice. The District being generally much more quiet. Cattle trespass and ordinary crimes unconnected with Indigo are increasing. I note the latter fact as a sign of the Return of the Zillah to a calmer state.

2. There has been no symptom of any unusual difficulty in securing the peaceable cultivation of the Indigo now growing, though I am prepared to hear of its arising when the weeding season comes.

3. The very great reduction made in the amount of damages decreed lately compels the suggestion that the same Court which on insufficient evidence assessed the Ryot so heavily should have power, on the motion of the Ryot, to revise its judgment. I would allow the Planter fifteen days to settle the case with the Plaintiff, and if not settled require him to put in a written statement of how much he would refund, and if rejected by the Plaintiff in Court, try the case afresh as to damages and saddle the losing party with the costs, and according as the sum decreed was above or below the amount offered, add or deduct double the difference. I enclose a Statement of the damages claimed in the Village of Ellanghee by Mr. Clarke of Khalboalcah before myself. It is made up by the Plaintiff himself from his own books which he has to produce in Court with it. With the sole exception of discount, the items are nominally the same as those on which he founded his former claim of Rupees 23 per beegah.

4. In my last, I find that I stated that the damages varied from 4 Rupees to 21 Rupees per beegah on the calculation last mentioned. This was a mistake. Those damages were on cases decided on the former principle, the accounts of which were being made up at the time. On enquiry into the cause of such an extraordinary variation in one Village, I find (see the examinations in the cases sent up this day) that these heavy penalties fall on those cultivators who by collusion with the Factory Omlah last year obtained heavy entries of leaf in their own favor.

5. From Mr. Platts I hear that the damages under the five year average system have fallen in his Court to 4 Rupees and Rupees 4-8 per beegah.

6. The number of Prisoners is decreasing fast, the total number of all classes in Jail yesterday having been exactly 500, *viz* :—

Daily Report of Prisoners.

Date.	Under old Law.	Number of Prisoners under new Law.			Total.
		Breach of Contract.	Destroying Indigo.	Intimidation.	
27th May 1860. ...	137	261	58	44	363
Under old Law ...	...	...	...	...	137
Grand Total ...	...	...	...	...	500

7. The Form called for in your letter No. 27, dated the 21st instant, cannot unfortunately be sent up with the present Weekly Report, so that I can only continue the old Form as follows :—

	Number of Defendants released on payment of damages without going to Jail.	Total number of damages realized by sale.	Total amount of damages realized by voluntary payment.	Remarks.
Magistrate ...	3	0 0 0	279 2 0	
Assistant Magistrate, Damoorhoodah ...	9	12 8 3	1051 5 9	
Joint Magistrate, Bongong ...	0	0 0 0	0 0 0	
Deputy Magistrate, Kurreempore ...	0	95 8 4	63 13 3	
Deputy Magistrate, Mr. W. L. Mackenzie ...	Not received yet.			

8. There will be a day or two's delay in compiling the aggregate Statement on your new Form for the whole of the operations preceding the present week, which I have called for in completion of that for the week itself.

9. A Report has been called for by Government on the question of Nizabad lands. I regret that I cannot add to the information already

given in my eleventh Weekly. The land is occupied by the Ryot till the Planter Zemindar dispossess him of it. The Planter urges that the Ryot is an Ootbundee Ryot or Tenant at will, and the Ryot urges that as he was in occupation, he ought not to have been turned out. The case before our Courts are only for possession, and in the one before myself it was clear that at the time of complaint the Planter had been in possession so long as to bar the case. The merits of the case can only be tried in the Collectorate where I have not yet had any cases.

10. I annex a Statement of cases pending on Saturday last in the whole Zillah under Act XI. of 1860 :—

Before	Breach of Contract.	Intimidation.	Destruction of Indigo.	Total.
Magistrate ...	60	0	2	62
Assistant Magistrate, Damoorhoodah	511	0	0	511
Joint Magistrate, Bongong . .	2	0	0	2
Deputy Magistrate, Kurreempore ...	6	6	1	13
Deputy Magistrate, Mr. Mackenzie ...	171	0	0	171
Grand Total ...	750	6	3	759

11. My own cases are, with two exceptions, disposed of, and on Thursday next, after clearing off a few arrears into which I fear I have fallen, I shall resume charge of the Collectorate.

12. I can form no estimate of the number of Ryots still to be sued for actual breach of contract, but I doubt whether they will be more than double the number already on the file as I feel sure that a closer scrutiny into the documentary proofs offered must cause the rejection of more than hitherto.

13. In reply to the Report called for regarding Mr. Mackenzie in your Memorandum No. 30, I regret that I cannot give further information than what I have derived from the Petitions presented to me, which have not deserved more open notice than those against any other Officer in the District. The mistake for which I recalled him is shown in the accompanying correspondence. His decisions in cases are all revised by yourself.

Damages claimed in the Tengrah Factory under Section II. of Act XI. of 1860. *Village Ellunghee, Plaintiff, George Clarke of Khalboaleah Concern, calculated on the principle laid down by the Court.*

Tengrah Factory. Selling price of Indigo. Average of last three years, 208-8-0. Carriage to Calcutta per maund, 1-1. Commission at 5 per cent, 10-6-10. Deduct both items 11-7-10. Value to Planter in Calcutta, 197-0-2. Deduct discount at 12 per cent for 7 months, 13-12-0. Value in Godown (now) of Cake Indigo per maund, 183-4-2. Each Vat holds 84 bundles and yields 25 seers 1 chittack on an average of five years. Hence value of Cake per bundle=1-5-10½.

Names of Ryots.	Gave bundles per beegah on an average of last five years.	Number of beegahs under contract this year.	Estimated yield of leaf on them as an average.	Add 4th for present favorable prospects.	Total probable number of bundles.	Value of Cake from this, each 1-5-10½ per bundle.	Manufacturing expenses per bundle on average of five years, 1 anna 11 pie.	Value of leaf at 6 bundles per Rupee.	Total of last two columns to be deducted.	Deduct the above.	Cash advance.	Add this.	Value of seed per beegah 1-11-2.	Add this total damages claimed.	Damages per beegah (less seed.)	Damages claimed per beegah including seed.	Remarks.
Diloochand Mundul	A2 5 7½	7	16 5 12½	2 13 0½	18 6 6	25 1 0½	2 4 0½	3 1 0½	5 5 1	19 11 11½	1 0 0	20 11 11½	11 14 2	32 10 1½	2 15 6	4 10 7	
Nobaie Mundul	1 1 0½	5½	5 13 12½	0 11 13½	6 9 6½	8 15 11½	0 12 10½	1 1 6½	1 14 5	7 1 6½	0 8 0	7 9 6½	9 6 5	16 15 11½	1 6 1½	3 1 5½	
Kurreem Mundul	3 5 5	3½	11 10 7½	1 7 5½	13 1 13	17 14 7½	1 9 7½	2 2 11½	3 12 7	14 2 0½	0 8 0	14 10 0½	5 15 1	20 9 1½	2 7 5	14 0½	
Elam Mundul	3 8 6½	5	17 9 12½	3 3 3½	19 12 16½	27 1 1	2 6 9	3 4 9½	5 11 6½	21 5 6½	1 0 0	22 5 6½	8 7 10	30 13 4½	4 7 6	6 2 8	
Gopal Mundul	2 0 0	4½	9 0 0	1 2 0	10 2 0	13 13 5½	1 4 1	1 11 0	2 15 1	10 14 4½	1 0 0	11 14 4½	7 10 3	19 8 7½	2 10 4	5 5½	
Khoodi Toofan Mundul	2 0 19½	5	10 4 16½	1 5 7	11 10 3½	15 14 6½	1 6 9½	1 15 0	3 5 9½	12 8 9½	0 8 0	13 0 9½	8 7 10	21 8 7½	2 9 9½	4 4 11	
Khoaz Mundul	2 11 12	4	10 14 8	1 5 16	12 4 4	16 12 2½	1 8 0	2 0 8½	3 8 8½	13 3 6½	0 8 0	13 11 6½	6 12 8	20 8 2½	3 6 10½	5 2 0½	
Rohim Mundul	2 3 13½	4	8 14 14	1 1 16	10 0 10	13 11 5½	1 3 7½	1 10 9	2 14 4½	10 13 0½	2 0 0	12 13 0½	6 12 8	19 9 8½	3 3 3½	4 14 5½	
Makarim Mundul	2 9 16	3½	9 2 6	1 2 5	10 4 11	14 0 10½	1 4 1½	1 11 5	2 15 6½	11 1 4	1 8 0	12 9 4	5 15 1	18 8 5	3 0 14	4 4½ 5	4 8½
Monprit Sheik	3 1 14½	1½	4 10 11½	0 9 6½	5 3 17½	7 2 8½	0 10 2	0 13 10½	1 [illegible]	5 10 8½	0 8 0	6 2 8½	2 8 9	8 11 5½	1 9 5	12 11½	
Shurroo Mullah	3 11 1	1½	5 10 16	0 11 7	6 6 3	8 11 8½	0 12 6	1 1 0	1 13 6	6 14 2½	2 0 0	8 15 2½	2 8 9	11 6 11½	5 14 9	9 11	
Habil Biswas	3 4 16	6	19 12 16	2 7 11	22 4 7	30 7 2	2 11 7	3 10 10½	6 6 5½	24 0 9	3 0 0	27 0 9	10 3 0	37 3 9	4 8 1	11 6 3	3½
Azubdee Sheik	1 15 7¾	2	3 14 15½	0 7 17½	4 6 13	6 7 0½	0 8 7½	0 11 9	1 4 4½	4 12 3	1 0 0	5 12 3	3 6 4	9 2 7	2 14 1½	4 9	3½
Masum Esum Sheik	1 0 13	2	2 1 6	0 4 3	2 5 9	2 15 2	0 4 6½	0 6 2¾	0 10 9	2 4 5	1 0 0	3 4 5	3 6 4	6 10 9	1 10 2½	3 5	4½
Shontosh Sheik	4 5 4	3	1 15 12	1 7 19½	14 7 11½	19 12 6½	1 12 4½	2 6 7¼	2 11½	15 9 7	1 0 0	16 9 7	5 1 6	21 11 1	5 8 6½	7 3 8½	
Moniruddee Sheik	2 4 0	2½	5 10 0	0 11 5	6 5 5	8 10 5	0 12 4½	1 0 10½	1 13 3	6 13 2	1 8 0	8 5 2	4 3 11	12 9 1	3 5 3½	5 0 5	
Ramee Sheik	2 0 0	2	4 0 0	0 8 0	4 8 0	6 2 5	0 8 9½	0 12 0	1 4 9½	4 13 7½	1 0 0	5 13 7½	3 6 4	9 3 11½	2 14 9½	4 9 11½	

A. The divisions of a bundle are made to correspond with those of a Rupee, *viz.*, units, sixteenths, twentieths of sixteenths.

All the books for five years past on which these calculations depend (except for the average price of Indigo) have been sworn to and examined and admitted as genuine and found to agree with the claim made. The value of Indigo is admitted on the sworn statement of the Petitioner of the prices for the last three years.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to W. L. MACKENZIE, ESQ., Deputy Magistrate of Bauleah,—(No. 352, dated the 16th May 1860.)

SIR,

I HAVE to acknowledge receipt of your reply to the Petition of Azoo Mundul, sent to you for the purpose of obtaining report as to the tenure of certain lands, and giving you certain instructions which you might not have received hitherto. I regret to see that you have taken offence at the presentation of this Petition. My order, if you will look at it calmly, makes no reference to what you term the *inuendoes* put forward by the Ryots, and it was therefore below your dignity to notice them.

2. By further expressing not only your own, but Mr. Tripp's surprize at this *inuendoes*, you have shown a sensitiveness of feeling on behalf of one of the parties, which your better judgment should have controlled. I desire that you will make over the cases pending before you to Mr. MacLean, and return yourself to this Station for further orders.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Officiating Magistrate of Nuddea,—(No. 51, dated the 25th May 1860.)

SIR,

IN modification of previous instructions, I request you will permit Indigo Planters, when suing for breach of contract under Act XI. to include as many Defendants as they please in one Petition, provided that the evidence against all the Defendants is precisely of the same character.

2. It appears to me that where twenty Ryots are stated to have gone to the Factory, on the same day, and verbally consented to cultivate Indigo and received their advances in the presence of the same witnesses at the same time, there can be no object in compelling the Planter to go to the expense of four separate stamped Petitions, as I believe the practice is now. The change now directed to be followed will also bring much relief to yourself and your subordinates by materially decreasing the number of depositions to be placed on record. It

is not intended however that this permission to sue a number of Defendants together should be extended to cases of breach of contract founded on written agreements.

3. In communicating these instructions to the Planters, they should be warned that if the evidence is found to be false or incorrect as regards only one of the Defendants in the case, such for instance, as his being proved to be dead some time ago, though the witnesses swear that subsequent to that event they had put the advances into his hands, the Magistrate trying the case would naturally look upon the same evidence with great suspicion as regards the other Defendants, and his doubts might be so strong as to lead him to acquit them all.

4. Mr. MacLean, whom I saw at Damoorhoodah yesterday, is already prepared to act according to the above instructions, and Messrs. Forlong, Hills, Newcomen, Taylor and Tweedie, Indigo Planters, who were also there admitted that if a case was dismissed under such circumstances the order would be a fair one.

5. On looking over several cases under Act XI., no proper or fixed practice appears to have been observed in the enforcement of decrees. The following would, I think, be the proper course to follow. *Immediately* a decree is given, the Plaintiff should apply in writing on plain paper for its enforcement, entering in his application a list of the Defendant's property, or else applying for a general attachment of the defendant's moveable property wherever it can be found sufficient to cover the amount of the damages. The Naib Nazir or selling Officer should then be appointed to carry out without delay the attachment of the property; and to make it over to some proper person in the Village under a guarantee to produce it at the time of sale. If however nobody should be found who would take upon himself this trust, a Peon should be put in charge of the house, and other immoveable property, but the cattle should be driven to the Sudder of the Deputy Magistrate where they should be properly cared for till the day of sale.

Section CCXII.
Ditto XIII.
Ditto XIV.

6. I am induced to issue these orders with regard to the cattle, because I feel pretty certain in the present temper of the Ryots, and the great number of attachments which are likely to be made, that if the cattle are left in the Village there will be many cases in which the Defendants or their friends will either forcibly take them away, or cause them to be not forthcoming, and thereby occasion a very material addition

to the work the Magisterial Officers have now in hand. Two other desirable objects will be secured by this arrrangement. *Firstly*, the Plaintiff will be more likely to realize the amount of his decree; and *secondly*, the cattle of the Defendants will not be so likely to be sold below their proper value, as they have already reported to have been; this would of course directly add to the means of the Ryot paying up his damages in full, and to his sooner obtaining his discharge from the decree.

7. All expenses attending attachments and sale must be charged to the Defendant.

FORWARDED to the Magistrate of Jessore for his information and guidance.

No. 3087.

COPY forwarded for the information of the Government of India in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM, *The 12th June* 1860. } *Under-Secretary to the Government of Bengal.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3037, dated the 9th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 33, dated the 29th ultimo, submitting, with your remarks, the Magistrate of Nuddea's thirteenth Weekly Report on the state of his District.

2. The Lieutenant-Governor does not quite understand the Table of damages submitted by Mr. Herschel, and is unable to form any opinion in regard to the fairness of the rates it lays down. The revision of rates on which previous decisions have been based, which is suggested by Mr. Herschel, cannot take place as this is not provided for by the Law.

3. In the last paragraph of his Report, the Magistrate refers to an "accompanying correspondence with Mr. Mackenzie." Of this however only one paper* was received with your letter. You will be so good as to submit the other papers which should have accompanied it, without delay.

* Mr. Herschel's letter No. 352, dated the 16th ultimo, to the address of Mr. Mackenzie.

4. The Lieutenant-Governor approves of the instructions issued by you to the Magistrates, of which mention is made in your 6th paragraph.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 37, dated the 31st May 1860.)

Sir,

In continuation of my letter No. 33, dated the 29th instant, I have the honor to submit the accompanying Report, in original, from the Magistrate of Jessore, on the state of his District, in regard to Indigo disputes during the past week.

From E. W. Molony, Esq., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 130, dated the 29th May 1860.)

Sir,

During the past week nothing of importance has occurred. The cases of sixteen persons for breach of contract have been decided under the new Act. The results of which are shown in the Statement annexed. The records have been duly forwarded for your perusal.

It has not been found necessary to resort to sale in any case as yet for the realization of the damages assessed.

I am glad to say that I think even now there will be sowings in some of the Villages which have hitherto obstinately held out, and that there will not be much necessity on the part of the Planters to resort further to the summary process of the new Law.

Memorandum showing the total number of persons in Jail in cases adjudicated under the new Law in the week ending 26th May 1860.

Criminal.		Civil.	Remarks.
For intimidation.	For destruction of Indigo.	For Breach of Contract.	
0	14	7	Out of thirty-six persons, twenty-six were released on voluntary payment of damages. Three were released on mochulka, with specific orders to fulfil their contract, and seven persons are imprisoned in the Civil Jail on account non-payment of damages.

E. W. Molony,
Magistrate.

Jessore Magistrate's Office;
Camp Manickdue,
The 29th May 1860.

From E H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 39, dated the 5th June 1860.)

Sir,

I have the honor to submit, in original, for the information of the Lieutenant-Governor, the fourteenth Weekly Report of the state of the Indigo Districts in Zillah Nuddea.

2. The remark of the Magistrate, in the 4th paragraph, as to when the Jail will become clear again, is founded on the assumption that the Ryots will in all new cases pay up the damages assessed for breach of contract; I have no doubt that many will do so, now that the damages are fairly calculated, but it is not to be expected that this will be the case with all.

3. As soon as the two Principal Sudder Ameens arrive, arrangements will be immediately made for their taking up contract cases, and the District Officers reverting, as directed in your letter No. 2754, dated 26th ultimo, to their regular duties. I am not yet in a position to say whether a third Principal Sudder Ameen will be absolutely necessary, though I think the most likely will be required.

4. As the time for sowings is now over, and the District no longer in a state of excitement, I purpose, with the Lieutenant-Governor's permission, confining the Weekly Reports to the number of cases instituted and disposed of under Act XI.

No. 890.

Fourteenth Weekly Report of the state of Indigo Districts in Zillah Nuddea, from 27th May to 2nd June 1860

THERE is nothing to report this week. The District is very quiet.

2. The following is the number of Prisoners in the Jail now :—

Daily Report of Prisoners.

Date.	Under old Laws.	Prisoners under new Law.				Remarks of Column 3, released from 28th May to 2nd June.
		Breach of Contract.	Destroying Indigo.	Intimidation.	Total.	
2nd June	122	158	71	35	264	100 released on payment of damages. Fifteen on appeal.
			Under old Laws ...		122	
			Grand Total ...		386	On expiry of sentence.

The above will tally with the Statement given last week for the 27th May by mistake for the 26th.

3. Nothing but cattle trespass has been brought to my notice during this week.

4. The following Table shows the further payments to be expected, and the time two and half months hence, when the Jail may be expected to be clear again :—

Period.	No. of persons.
3 Months.	12
2½ Ditto.	65
2 Ditto.	78
1½ Ditto.	9
1 Ditto.	8
15 Days.	3
	Total ... 175 on the 1st of June.

Of these 175, eighty-two intend to pay up. The remainder ninety-three intend to serve out their term of imprisonment.

W. J. HERSCHEL,
Officiating Magistrate.

No. 3089.

COPY forwarded for the information of the Government of India in the Home Department.

By Order of the Lieutenant-Governor of Bengal,
H. BELL,
Under-Secretary to the Government of Bengal.

FORT WILLIAM,
The 12th June 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3112, dated the 12th June 1860.)

SIR,

WITH reference to paragraph 6 of your predecessor's letter No. 100Ct., dated the 18th April last, I am directed to request that you will submit at your earliest convenience a report of the result of the case therein referred to in which the Darogah of Thannah Bagdah apprehended some of the Narainpore Ryots at the instance of the Gomastah of the Elasmari Indigo Factory, and which led to a disturbance ending in the rescue of the arrested parties.

You will observe that Mr. Grote deferred passing his opinion on the Darogah's conduct till he had seen the record of the case.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 187Ct., dated the 21st July 1860.)

SIR,

IN reply to your letter No. 3112, dated 12th ultimo, I have the honor to report that, after full enquiry by Mr. McNeile, the charge against the Darogah of Thannah Bagdah of apprehending some of the Narainpore Ryots at the instance of the Gomastah of the Elasmari Indigo Factory was not established.

2. From circumstances, however, which were brought to the notice of Mr. Herschel, who also examined into the case above mentioned, that Officer was quite satisfied that the Darogah's continued employment in that Thannah would be highly objectionable, and arrangements were accordingly under consideration when Mr. Herschel last wrote for his removal to another part of the District. Pending their completion, the Darogah was retained under suspension at Head-Quarters.

3. The Magistrate has been directed to keep a strict watch over this Police Officer's future proceedings.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to W. MORAN, ESQ.,—(dated the 27th July 1860.)

MY DEAR SIR,

BY the desire of the Lieutenant-Governor I beg to make to you the following communication with reference to your late correspondence with Mr. Young regarding the refusal of Ryots to allow the Planter to cut Indigo they had grown. Enclosed is a copy of the Advocate-General's Opinion the Lieutenant-Governor has caused to be taken on the general question.

It appears to the Lieutenant-Governor that, in all cases in which there has been a contract, and an advance of cash, however small, the Planter accordingly to this opinion has a practical remedy open to him. If he brings a suit under Act XI. and proves his case, he will obtain an immediate decree for damages, *and specific performance.* He should press for a decree for specific performance. After having obtained such a decree, as the Lieutenant-Governor understands the first part of this Opinion, the Planter can go upon the ground and take the Plant off, being protected by the Magistrate from forcible interference on the part of the Ryot.

In cases in which there has been no cash advance whatever, the Law can do nothing. But in such cases it is to be hoped that Ryots, if reasonably dealt with, will not be so unreasonable as to sacrifice their Crop for nothing rather than sell it to the Planter at a fair price. In the supposed case, however, as the Crop is wholly the Ryot's and he has not yet received any part of the price of it, it seems to the Lieutenant-Governor that the Planter should be prepared to offer a fair price for it in cash. But this is for himself and the Ryot to arrange.)

I may mention in conclusion that I have desired Mr. Molony to make immediate arrangements for proceeding to Magoorah, and that a strong party of Military Police has in all probability already arrived there.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 198, dated the 27th July 1860.)

SIR,

I HAVE the honor to submit, for the information of the Lieutenant-Governor, the accompanying copies of two letters, Nos. 235* and 252,† from the Magistrate of Jessore, regarding the determination of some of the Ryots to withhold delivery of the Indigo Crop.

* Dated 21st July.

† ,, 24th ,,

2. In reply to Mr. Molony's first letter, I begged he would make immediate arrangements for proceeding himself to Magoorah, and I also personally communicated with the Officiating Inspector of Military Police Battalions to strengthen the Military Police Force at Jessore, by sending a party of 100 or 150 men from the Battalion now at Kishnaghur where they can be easily spared. Lieutenant Howard's Detachment, who have by this time arrived at Magoorah, will remain there until further orders.

3. With reference to Mr. Molony's second letter, I have already sent to him the last Opinion of the Advocate-General on Act XI., and by to-day's Post I shall forward, for his information and guidance, a copy of a demi-official letter I have addressed to Mr. Moran, under the immediate orders of the Lieutenant-Governor, on the construction to be put on Mr. Ritchie's Opinion, and in which he has verbally expressed his full concurrence.

4. With regard to Mr. Molony's remarks regarding the cultivation of Indigo for Seed, my own impression is that the cultivators thoroughly understanding the signs of the times have determined not to cultivate a Crop for which there will certainly be a very reduced demand, but fearing to state this reason openly, they endeavor to screen their objections under cover of a report that Government have forbidden it under a penalty. Nothing should, I think, be done to contradict these rumours, except personal verbal denials of their truthfulness by the Magistrates whenever they think occasion requires it.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Commissioner of the Nuddea Division,—(No. 235, dated the 21st July 1860.)

SIR,

I HAVE the honor to inform you that I have received from Mr. Tayler information that considerable excitement prevails in his Sub-Division regarding the cutting of the Indigo Crop at present on the ground.

2. As a precautionary measure, I have ordered Lieutenant Howard with his Detachment to proceed to Magoorah *viâ* Jenidah, instead of coming direct on here, and I have directed Mr. Tayler to communicate with him at Jenidah if there is any necessity for his services at any point.

3. The excitement is stated to have shown itself in the borders of the Pubna District, North of the Koomar River, but doubtless there is a very restless feeling existing in the minds of all Indigo Ryots in the District. Magoorah is the most centrical position for the Planting Districts and the fittest spot to locate the Military Police. I have directed Messrs. Tayler and Mackenzie to make bi-weekly Reports of anything that transpires, and the information shall be communicated to you in due course.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Commissioner of the Nuddea Division,—(No. 252, dated the 24th July 1860.)

SIR,

I HAVE the honor to inform you, in continuation of my letter No. 235, dated the 21st instant, that I have as yet had no further reports from Mr. Tayler. Lieutenant Howard's Detachment will reach Magoorah probably the day after to-morrow, and I have requested him at once to detach a party under a Native Officer to Mr. Mackenzie's Camp at Mullickpore.

I have also requested the Sub-Divisional Officers to keep themselves in constant communication with me regarding the state of their several Divisions.

Mr. Mackenzie is at present at Mullickpore, at which place the Ryots refuse to deliver the Plant to the Factory unless they are paid the full price (subject to no deductions) in cash. Some portion of the land is claimed by both parties, and this question will be decided to-day by Mr. Mackenzie under Act IV., 1840. For such portion as is alleged to have

been grown under agreements, the Planter has been referred to Act XI. of 1860.

When the party of Police arrive, there will be an end to any apprehension of a breach of the peace at that particular place. I have recommended Mr. Mackenzie to bring about an amicable arrangement if possible, for I am of opinion that, by that course, the general peace of the District will be best preserved and the interests of both parties served.

I cannot report certainly upon the present state of affairs at Magoorah, but will do so on receipt of further information. The other parts of the District appear as yet to be undisturbed, but it is impossible to say how long they will remain so, as wherever there is Indigo, there can be no certainty that the existing relations will not be ignored by the Ryots in their present state of doubt and uncertainty.

Rumours are afloat, as before reported to you, that the cultivation of Indigo Seed is prohibited by Government under the penalty, and I have not the least doubt that people generally are being set up to repudiate connection with the Factories and contract altogether.

Mr. Skinner mentions that a Ryot spoke to him on this subject some days ago, when out riding, and appeared to be rejoiced when he was told that the rumours were without foundation. It is possible that I may find out some of the propagators of this rumour. Should I be successful, I will report the result.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3938, dated the 30th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 198, dated the 27th instant, forwarding copies of two communications from the Magistrate of Jessore, in which he reports that great excitement prevails among the Ryots of the Magoorah Sub-Division, relative to the cutting and delivery of the standing Indigo Crop, and that measures have been taken in consequence to prevent a breach of the peace.

2. It appears to the Lieutenant-Governor that all proper steps have been taken in anticipation of this difficulty, in consequence of private information received a few days ago.

instant, that Mr. Tayler is well aware of the fact of his being bound to take cognizance of suits under Act XI. of 1860. The Petitions on which he passed orders for the preservation of the peace were not plaints under Act XI., 1860, I imagine. With reference to his proceeding immediately to the spot, I do not think he has the means of doing so, nor, Magoorah being itself centrical and easy of access by water from all sides, am I of opinion that it would tend generally to the despatch of business. Since commencing this letter I have heard from Mr. Mackenzie that his Division is quiet, with the exception of Mullickpore, and that there is a probability of affairs even there being amicably settled.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Magistrate of Jessore,—(No. 154Ct, dated the 30th July 1860.)

SIR,

I HAVE the honor of acknowledging the receipt of your letter No. 268, dated the 22nd instant, from which, so far as I can judge, Mr. Tayler appears to be efficiently discharging the difficult duties of his position.

2. No special measures, as I have already said, can, I think, be taken to disabuse the Ryots of these absurd notions, which, in some shape or another, appear to be constantly seizing their minds. The only course likely to raise confidence and restore calmness, and the one which I feel sure you and your Subordinates will steadily pursue, is to adhere carefully to the Laws with which all are more or less acquainted, and to shew a readiness to explain any points to those who may wish it.

3. I shall be obliged by your informing me more particularly regarding the alleged destruction of Indigo "by the Villagers." Does Mr. Tayler mean to say by this that Villagers unconnected with the lands on which the Indigo is growing have been destroying the Crop, or only those Ryots on whose lands the Indigo Crops stood? In the former instance, the persons concerned would be punished under Section VI. of Act XI. In the latter, the Ryots should be warned of the extreme folly of their conduct, and the Crop, if claimed by the Planter under Act XI., placed under the custody of the Police pending the decision of the suit.

4. With regard to the cases of Cattle Trespass, I should think, with the number of servants a Planter has at his command, he could find no difficulty in so arranging that not less than three or four persons should be employed in taking such cattle to the Pound. The evidence of these people in a case of rescue, if consistent and trustworthy, would be quite sufficient, apart from that of any Villagers, to justify the entertainment of a case of rescue under Section XIII., Act III. of 1857, and the sentence authorized to be passed under that Section is so severe as to render it very unlikely that, after two or three convictions, cases would continue to be as prevalent as they are now reported to be.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 4038, dated the — August 1860.)

SIR,

I AM directed to acknowledge the receipt of your Endorsement No. 203, dated the 31st ultimo, submitting copy of a correspondence with the Magistrate of Jessore, relative to the excitement said to prevail among the Indigo Ryots in the Sub-Divisions of Magoorah and Norail, and in reply to inform you that the Lieutenant-Governor approves of the instructions issued by you to Mr. Molony on the subject.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 204Ct., dated the 3rd August 1860.

SUBMITTED for the information of Government, in continuation of this Office Memorandum No. 203, dated the 31st ultimo.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 270, dated the 29th July 1860.)

SIR,

I HAVE the honor to inform you that I have received further information from Messrs. Tayler and Mackenzie regarding their respective Sub-Divisions. The former Officer does not report any interruption in the manufacturing, and is of opinion that things are looking more quiet than they were before. The Petitioners, he says, have changed in their tone and now chiefly pray for protection from being made forcibly to take advances for next year's sowings. I have litte doubt in my own

mind that this has been the object of the movement; the Ryots wishing to show their feeling with regard to next year's operations and to place a note of them on record in the Court. Mr. Tayler hopes to report still more favorably in a day or two. He is using his best endeavors to explain to the Ryots the folly of refusing to deliver the Crop on the ground. He will decide the disputed question of possession of certain lands in Shiengram, under Act IV. of 1840, in the course of to-morrow or next day. I am glad to say that the Mullickpore dispute, regarding the Crop, has been adjusted amicably. The Ryots are paid in cash and are busy cutting and delivering the Crop. Lieutenant Howard's Detachment has arrived at Magoorah and thirty men and a Subadar have been sent on to Mr. Mackenzie's Camp. He is of opinion that there is not much fear of any further quarrels in his Division.

From W. GREY, ESQ., Secretary to the Government of India, Home Department, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 1434, dated the 3rd August 1860.)

SIR,

SEVERAL strong representations have reached the Governor General in Council regarding the risk of serious loss which is incurred by the Indigo Planters in some parts of Bengal, in consequence of the refusal of the Ryots to cut and carry the Plant now ready for manufacture.

2. If any such representations have been made to the Lieutenant-Governor, or if His Honor has reason to suppose that such a state of things has arisen, or is likely to arise in any part of the Indigo Districts, the Governor General in Council trusts that the Local Magistrates will receive from His Honor such instructions as will lead them to use their good offices so far as may be consistent with their duty, and with justice to all parties concerned, in order to induce the Ryots to act up to the reasonable spirit of their agreements, and to fulfil all such obligations in connection with the gathering of the ripened Plant as, according to usage and in fairness, attach to them. By doing so a lamentable sacrifice of valuable property, which would entail loss alike upon the Planter and the Ryot, may possibly be averted.

3. The Governor General in Council hopes that it is unnecessary to assure the Lieutenant-Governor that this communication is made under

no impression that there has been hitherto any omission on His Honor's part to do every thing that is necessary in regard to the differences that have so unfortunately arisen between the Planter and the Ryot, but the matter here referred to being one which, if any thing is needed to be done, requires that action should be very prompt, His Excellency in Council has thought it right to communicate to the Lieutenant-Governor the statements which have recently reached him, and to suggest a course which it occurs to him may be unobjectionably taken, if those statements should be well founded.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4059, dated the 4th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 1434, dated the 3rd instant, and in reply to state, for the information of His Excellency the Governor General in Council, that, from two places only have any representations or reports reached the Lieutenant-Governor of any symptoms of a refusal to cut and carry, or to allow to be cut and carried, the Indigo Plant now ready for manufacture ; namely, from Mullickpore in the Norail Sub-Division, and the Sericole Concern in the Magoorah Sub-Division, both in the District of Jessore. The first representation received was by a private communication from Mr. Moran to my address, dated the 19th ultimo, enclosing a letter from Mr. Roberts the general Manager of the Pubna and Jessore Factories of Messrs. Moran and Co., which stated that the Ryots of some Villages instigated by the Talookdar, had been ordered to repudiate their engagements with the Factory, and not to allow the Factory to take off the Plant, under the false pretence that they had sown it themselves, and had never received advances or Seed from the Factory. Mr. Roberts wanted some "extraordinary" order to be given to the Magistrate, directing him to force the Ryots to deliver the Plant, or, as he put it, to perform their contracts. By the Lieutenant-Governor's desire, Mr. Moran was informed in reply, that as the Ryots, truly or untruly, alleged that they had received no advances, every thing turned upon that question of fact ; that if the Ryots had received a cash advance on an agreement to cultivate this year, the fact must admit of easy proof, and if proved, decrees would follow immediately, with rapid execution, under

3. The Advocate-General's Opinion forwarded to you with my letter No. 3834, dated the 21st instant, shews that, wherever an advance under contract to cultivate Indigo has been made, the Indigo Act affords the Planter a practical remedy in the matter of taking delivery of the grown Plant. The Lieutenant-Governor therefore considers that Mr. Molony's instructions to Mr. Mackenzie on this point are quite proper and sufficient.

4. The Lieutenant-Governor also approves of Mr. Molony's instructions for bringing about, wherever possible, an amicable arrangement. In all cases, the less litigation the better, and an amicable arrangement where neither party is under any obligation that can be legally enforced, if fair to both parties, must certainly be for the interest of both. Where there have been no advance and contract, the Planter should see that the Ryot has received as yet no part of the cost or of the price of his Crop, which is absolutely at his own disposal. The Ryot also should see that, even in this case, he has not practically on this occasion a choice of purchasers, and if both parties act reasonably, they will agree to fair terms much to the advantage of both. If the good offices of the Magistrate can be made to facilitate such arrangements, it will be for the general good to afford them, and the Magistrate who assists in such a satisfactory conclusion will perform good service. In any case, where there is no legal obligation, should either party finally persist in holding out against terms beyond which the other party finally refuses to go, the Magistrate can of course do nothing.

No. 3939.

COPY forwarded to the Commissioner of Rajshahye for information.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 203Ct., dated the 31st July 1860.)

FORWARDED for the information of Government, in continuation of this Office letter No. 198Ct., dated 27th instant.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 268, dated the 27th July 1860.)

SIR,

(MY letter of date the 24th instant will have apprised you of what is going on at Mullickpore, in the Sub-Division of Norail, and

now, in conformity with your instructions in your Memorandum No. 140, dated the 23rd instant, and letter No. 147, dated the 25th, I have the honor to report on the state of the Magoorah Sub-Division, as represented to me by Mr. Tayler. The Ryots are under the impression that they must bring forward some complaint against the Planters before the 30th of July, or that they will be debarred from obtaining any redress from the Government afterwards. It is of course quite impossible to say from whence this notion sprung, but it is probably the work of underhand and designing ill-wishers to the Indigo Planting cause. In consequence of this, some 100 Petitions, Mr. Tayler says, have been presented within the last three weeks, but proof of the alleged oppression has been brought forward in but few cases. The Planters are very unwilling, and naturally so, to avail themselves of the new Act, and will not, I fancy, do so as long as any chance remains of thus getting the Plant by other means. Some compromises have been made, but Mr. Tayler says that they are the exception to the rule. I myself think with Mr. Tayler that the chief difficulty will be found where European and Native Factories adjoin. There is always a disposition on the part of the latter, especially those of small Holders, to obtain the Plant grown for the European by dishonest means, and this will be a very favorable time for such a practice to flourish. Destruction of Indigo by the Villagers has been much complained of, Mr. Tayler says, but that for want of proofs the charges have generally fallen to the ground. It is also stated by the Planters that they are not able to take cattle to the Pound as they are always rescued. This, I think, highly probable, and in the present state of the Mofussil, it would be very difficult to adduce proofs.

Mr. Tayler has taken measures to be early informed of any intended affrays, so that he may take steps to put them down with the Military Police at his disposal. He states that there is some strong influence at work by which the Ryots are incited, and that they will not listen to what he says. This you will have no difficulty in imagining to be the case after their bearing at Damoorhoodah before you on the 24th of May.

I shall make as early arrangements as possible to carry out your instructions to proceed to Magoorah, but I shall not be able to start before Tuesday or Wednesday. I may as well mention, with reference to the Government letter No. 3834 to your address, of date the 21st

which the Ryots' property and crops (including the Indigo Crop which the Factory might buy) would be answerable for the damages. The Lieutenant-Governor therefore counselled the immediate institution of suits "*if the Ryots really are under legal obligation to cultivate Indigo for the Factory.*" In that case, it was observed, the Law would afford complete practical redress, but illegal action was out of the question. Subsequently, the same advice was repeated, with an assurance that any necessary number of Officers would be sent to try the suits immediately, if instituted. If, on the other hand, the Ryots were under no legal obligations, the Lieutenant-Governor counselled coming to terms with them at once. The event has been that the Factory thought it most prudent not to file suits for fear of the consequences of failing in the proof of the fact in dispute.))

2. At the same time the Lieutenant-Governor thinking it probable that, in case of a decree for specific performance, the Magistrate might be able to deliver the subject of action itself to the Plaintiff, immediately on pronouncing the decree, which would be the best and most rapid redress possible ; but not being sure, or having any authority to pronounce upon that legal point, referred the question to the Advocate-General, who gave the opinion upon it, which will be found enclosed, dated the 20th ultimo. This Opinion has been circulated for the information and guidance of the Local Officers concerned. The Lieutenant-Governor was afraid that the 2nd and 3rd paragraphs of this Opinion might be misunderstood by Magistrates to the disadvantage of the Planter ; and therefore Mr. Lushington, the Officiating Commissioner of Nuddea, was requested to carry the Opinion to Mr. Ritchie and to ascertain if the Lieutenant-Governor's understanding of the 1st paragraph were correct, which, if so, gave a sufficient and immediate practical remedy. Although by that paragraph of Mr. Ritchie's Opinion, the Magistrate, after decree of specific performance, could not deliver the Plant, the Planter could come and take it, and the Magistrate could protect him while so doing, which comes to the same thing. Mr. Ritchie pronounced this view to be correct, and accordingly Mr. Lushington, by desire of the Lieutenant-Governor, sent Mr. Moran a copy of the Opinion, with his letter of the 27th ultimo, (a transcript of which is appended), wherein is explained the manner in which a complete practical remedy is afforded in the matter of cutting and delivery, when a decree is obtainable under Act XI. of 1860, that is to say,

whenever there has been a real contract and an advance of cash, however small. In the same letter Mr. Lushington, at the Lieutenant-Governor's desire, observed that, where "there has been no cash advance whatever, the Law can do nothing. But in such cases it is to be hoped that Ryots, if reasonably dealt with, will not be so unreasonable as to sacrifice their Crop for nothing rather than sell it to the Planter at a fair price. In the supposed case, however, as the Crop is wholly the Ryot's and he has not yet received any part of the price of it, it seems to the Lieutenant-Governor that the Planter should be prepared to offer a fair price for it in cash. But this is for himself and the Ryot to arrange. I may mention in conclusion that I have desired Mr. Molony to make immediate arrangements for proceeding to Magoorah, and that a strong party of Military Police has, in all probability, arrived there." The whole of this letter had the concurrence of Mr. Ritchie.

3. A copy of Mr. Lushington's letter above referred to was sent to the Magistrate of Jessore, to show him the means by which immediate redress is available under the Act, as soon as the question of fact at issue is ascertained and a decree is passed. A copy was also sent to the Commissioner of the Rajshahye Division with the same object.

4. As it appeared possible from Mr. Moran's correspondence that Mr. Tayler, the Sub-Divisional Officer at Magoorah, might have been under some misapprehension as to the sufficiency of his powers to determine suits of the nature in question, it was observed to the Commissioner that there was no room to doubt on this point. It has since appeared however, that Mr. Tayler was never under any misapprehension on this point. It is plain that no cases were tried and no decisions passed, only because the Plaintiff thought it best to lodge no suits.

5. An Official Report, dated the 27th ultimo, informing the Lieutenant-Governor of the same affair as that brought to notice as above by Mr. Moran, was afterwards received from the Commissioner, enclosing two letters from the Magistrate, Mr. Molony. These letters reported that considerable excitement prevailed in the Magoorah Sub-Division, regarding the cutting of the Indigo Crop at present on the ground; and that at Mullickpore the Ryots refused to deliver the Plant to the Factory "unless they are paid the full price (subject to no deductions) in cash." The dispute was partly upon the question of possession as between two claimants, which would be decided under Act IV. of 1840; and partly upon the question of contract, which was open to decision,

on suit being lodged under Act XI. of 1860, the late Indigo Act. Mr. Molony had directed the Sub-Divisional Officer to bring about an amicable settlement, if possible. No other parts of the District were disturbed when Mr. Molony wrote on the 24th ultimo. A party of Military Police had been ordered to Magoorah, who were to furnish a Detachment for Mr. Mackenzie at Mullickpore.

6. In reply to this Report, the Commissioner was informed that it appeared to the Lieutenant-Governor that all proper steps had been taken in anticipation of the difficulty now reported, in consequence of the private information received a few days before from Mr. Moran. Mr. Molony's instructions to Mr. Mackenzie were considered by the Lieutenant-Governor to be quite proper and sufficient. The Lieutenant-Governor's orders concluded thus :—The Lieutenant-Governor also approves of Mr. Molony's instructions for bringing about, wherever possible, an amicable arrangement. In all cases, the less litigation the better. And an amicable arrangement where neither party is under any obligation that can be legally enforced, if fair to both parties, must certainly be for the interest of both. Where there have been no advance and contract, the Planter should see that the Ryot has received as yet no part of the cost or of the price of his Crop, which is absolutely at his own disposal. The Ryot also should see that, even in this case, he has not practically on this occasion a choice of purchasers ; and if both parties act reasonably, they will agree to fair terms much to the advantage of both. If the good offices of the Magistrate can be made to facilitate [redacted]rrange-ments, it will be for the general good to afford them, and the [redacted]strate who assists in such a satisfactory conclusion will perform good service. In any case, where there is no legal obligation, should either party finally persist in holding out against terms beyond which the other party finally refuses to go, the Magistrate can of course do nothing." A copy of these orders was forwarded to the Commissioner of Rajshahye for information.

7. A further report was received from the Magistrate through the Commissioner on the 1st instant. Under a strange belief that, if they did not bring forward complaints before the 30th of July, they would be debarred from obtaining redress afterwards, about one hundred complaints of oppression against Planters were lodged by the Ryots in the last three weeks ; "but proof of the alleged oppression has been brought forward in but few cases." Some compromises had been made, and the

Planters were unwilling to resort to the Act. Mr. Tayler said, that "destruction of Indigo by the Villagers has been much complained of," but "for want of proofs, the charges have generally fallen to the ground." Mr. Lushington's orders on this report appeared to the Lieutenant-Governor to be judicious and proper, and were approved.

8. On the alleged destruction of Indigo, Mr. Lushington put some pertinent questions, the replies to which will elucidate that matter. For all the monstrous stories which have been going about Calcutta for many days past, regarding the wholesale destruction of mature Plant, in all possible ways, all over the country, and which appear to have received some sort of general acceptance, though wholly without specification or apparent probability, there is no other foundation in any private or official representation made to the Lieutenant-Governor, than the above remark made by Mr. Tayler. The Lieutenant-Governor does not at present see any reason to believe that any Indigo has been wantonly destroyed anywhere. It seems to him impossible that any destruction worth mentioning can have been going on for a considerable time, as these idle stories have it, and yet that no single case should ever have come to the personal knowledge of any body.

9. In these cases of Magoorah and Mullickpore, the Lieutenant-Governor is not aware that more could usefully and properly be done than has been done. The Magistrates are quite alive to the propriety of affording good offices to bring both parties, wherever possible, to an amicable arrangement; and have been desired to act in this spirit. But in all cases in which a claim of right is resolutely insisted upon by one party, and denied by the other, if the claimant will make no compromise, and persists in attempting to enforce to the utmost the right which is wholly contested, no step can be taken by an upright Magistrate that will assist a fair settlement, till the disputed question of fact is determined one way or the other. It is only when the claimant is willing to compromise, or where he has failed to prove his claim, and both parties are thus on an equal footing, that an amicable settlement on fair terms of mutual advantage can be brought about by the good offices of the best disposed Magistrate. In these cases, however, all that the Lieutenant-Governor has seen of the conduct of Magistrates in these difficulties convinces him that their good offices will never be wanting.

10. If, however, any further specific instructions appear to His Excellency in Council to be necessary, the Lieutenant-Governor requests to be favored with orders to the precise effect of the instructions required to be issued.

11. At the commencement of June, in the Pubna District, a dispute arose between one Planter and the Ryots, in which the question of the liability of certain Ryots, under their contracts to cultivate Indigo, to convey in Carts and Boats to the Factory, not each man his own Indigo, for all admitted their liability to do that, but Indigo belonging to other Ryots at other places. This dispute was evidently not a refusal to cut and deliver Indigo, such as is intended in your letter under reply. The Advocate-General's opinion was taken on the point, on which the Officiating Magistrate and one of his Subordinates differed, not because the Lieutenant-Governor himself had any doubt about it, but because he has throughout made it a rule to refrain from the expression of any opinion on the Law regarding Civil actions for breach of contracts under Act XI. of 1860. The result showed, as was to have been expected, that the Indigo Act has no bearing on contracts for Carts or Boats for general purposes, though, where the conveyance of the Indigo cultivated is one matter of contract with the cultivation, it is applicable. It may be remarked, however, that the Officiating Magistrate brought about an agreement satisfactorily to all parties in the matter of supplying Carts and Boats for general purposes in this case.

12. The Lieutenant-Governor infers, from the 2nd paragraph of your letter, that the anxiety felt by His Excellency in Council, that Ryots who acknowledge their obligations under contract to cultivate, and the receipt of advances, or who at least do not raise any dispute on that point, and who have reared a Crop of Indigo, may refuse to cut and carry the Crop on the plea that the Planter must do that himself, because Act XI. of 1860 speaks only of a contract to *cultivate*. The Lieutenant-Governor has heard of no such case, and from the Pubna cases above mentioned, he infers that no such plea is likely to be raised. Where it has been customary for the Ryot to cut and carry his Plant, the agreement for this year must be held to be similar to the customary agreement, and all parties must feel this. But if such an untenable objection were to be made, the practical remedy would be that the Planter would be at liberty to cut and carry the Plant himself, which he will readily do. The only difficulty is

where the contract is denied in point of fact, and where that is the case, the Lieutenant-Governor apprehends that, till the question of fact is settled, neither party can be allowed to make away with the subject in dispute.

Except the Mullickpore and Magoorah cases, no representation has been made by official or private persons to the Lieutenant-Governor, regarding the risk of serious loss in any part of Bengal in consequence of the refusal of the Ryots, on any plea whatsoever, to cut and carry the Plant now ripe for manufacture. If, however, the quarters from which the strong representations that have been made on this important point to His Excellency in Council are indicated to the Lieutenant-Governor, immediate attention will be given to the state of affairs in those quarters. The Lieutenant-Governor is inclined to think, however, that, if the fears which induced these representations had been raised on any very solid foundation, the District Officers, or the Commissioners, or the Local Government at furthest, would have been applied to.

13. Since the receipt of your letter, the Lieutenant-Governor has received through the Commissioner a further Report from the Magistrate of Jessore, from which His Excellency in Council will be glad to find that both at Mullickpore and in the Magoorah Sub-Division things are more quiet. The Magoorah Sub-Divisional Officer reports no interruption in the manufacturing; and Mr. Molony is of opinion that the only object of what he calls the movement there was protection against being forced to take advances for next year. The Mullickpore dispute has been adjusted amicably. The Ryots, it is reported, are paid in cash, and are busy cutting and delivering the Crop.

14. Copies of all the papers referred to in this letter are herewith forwarded for the perusal of His Excellency in Council.

P. S.—Since this letter was written, it has occurred to the Lieutenant-Governor that, in those cases in which there may be a likelihood of the subject of action, in a suit under Act XI. of 1860, being destroyed or greatly injured by natural causes pending the decision of the suit, the common interest of both parties would be secured if the Magistrate trying the suit had the power of allowing the Plaintiff to take the Crop on depositing security for the full value thereof, to be paid by him to the Ryot (Defendant) in the event of his losing his case. The Advocate-General's opinion has been asked on this point.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to W. RITCHIE, ESQ., Advocate-General,—(No. 4060, dated the 4th August 1860.)

SIR,

I AM directed by the Lieutenant-Governor to request the favor of your opinion on the following point.

2. It has occurred to the Lieutenant-Governor that, in those cases in which there may be a likelihood of the subject of action, in a suit under Act XI. of 1860, being destroyed or greatly injured by natural causes pending the decision of the suit, the common interest of both parties would be secured if the Magistrate trying the suit had the power of allowing the Plaintiff to take the Crop on depositing security for the full value thereof, to be paid by him to the Ryot (Defendant) in the event of his losing his case. Has the Magistrate in your opinion power to pass such an order?

From W. RITCHIE, ESQ, Advocate-General, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 9th August 1860.)

SIR,

IN reply to your letter No. 4060, dated the 4th instant, I have the honor to state that I am of opinion that, as the Law at present stands, the Magistrate has no power, in a suit under Act XI. of 1860, even if there is a likelihood of the subject of the action being destroyed or greatly injured by natural causes pending the suit, to pass an order of the nature referred to by you, *viz.*, an order allowing the Plaintiff to take the Crop on depositing security for the full value thereof, to be paid by him to the Ryot (Defendant) in the event of Plaintiff losing his case.

2. The jurisdiction and authority of the Magistrate under the Act are, I think, confined within the limits expressly stated in the Act; and he is not invested with any extraordinary powers to act as he may think best for the interests of both the parties pending the suit.

3. But I think that the power in question is one which might be very properly entrusted to the Magistrate, and might be most usefully exercised by him; and I respectfully advise that an application be made to the Legislative Council to introduce a Bill conferring the power on the Magistrate, and to suspend the standing orders for the purpose of passing the measure with the least possible delay.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4144, dated the 10th August 1860.)

SIR,

IN continuation of the Postscript of my letter of the 4th instant, I am directed to forward, for the information of His Excellency the Governor General in Council, a copy of my letter of that date to the Advocate-General, and of the reply thereto, which has just been received.

2. The manufacturing of the season's Indigo is already far advanced, and the reports made to the Lieutenant-Governor are not such as to lead him to believe that the want of such a power as he has suggested will lead to the waste of Indigo Plant to any great extent. Indeed, the Lieutenant-Governor is not in a position to say that any Indigo Plant will certainly be wasted for want of such a power. Nevertheless, it is certainly not impossible that such a result may occur, in some instances, which such a power as that suggested would prevent. And on the other hand, the power seems to the Lieutenant-Governor reasonable in itself, and he does not see that the grant of it can possibly be injurious in any case.

3. If, therefore, the power suggested seems as unobjectionable to His Excellency the Governor General in Council as it seems to himself and to the Advocate-General, the Lieutenant-Governor thinks it will be proper to pass a Law for the purpose of giving it by way of a Supplement to Act XI. of 1860. But unless such a Law can be enacted in the course of two or three days, it will be of little value.

From W. GREY, ESQ., Secretary to the Government of India, Home Department, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal, —(No. 1501, dated the 10th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 4144 of this date, and in reply to state that, having regard to the doubt expressed by the Lieutenant-Governor as the commencement of the 2nd paragraph as to the necessity for legislation, and looking also to the late period of the season, the Governor General in Council does not think it

likely that it would be of any practical usefulness to bring into the Legislative Council now a Bill to the effect suggested by Mr. Ritchie.

2. His Excellency in Council conceives, however, that it is competent to the Magistrate under the Law as it stands to advise the Ryot to permit the removal of the Plant by the Indigo Planter, on the latter consenting to execute and deposit with the Magistrate a Security Bond in favor of the Ryot for the value of the Plant, in the event of his failing to establish his claim against the Ryot. Such a course of proceeding on the part of the Magistrate would, under the special circumstances of the case, be quite justifiable, and would probably be found in practice to work quite as well as though he were empowered by Law to order the delivery of the Plant to the Indigo Planter.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 4173, dated the 13th August 1860.)

SIR,

IT occurred to the Lieutenant-Governor that, in those cases in which there may be a likelihood of the subject of action, in a suit under Act XI. of 1860, being destroyed or greatly injured by natural causes pending the decision of the suit, the common interest of both parties would be secured if the Magistrate trying the suit had the power of allowing the Plaintiff to take the Crop on depositing security for the full value thereof, to be paid by him to the Ryot (Defendant) in the event of his losing the case. But as the Advocate-General, who was consulted on the subject, was of opinion that the Law did not confer such power on the Magistrate, the question was referred to the Government of India as to whether it would be proper, now that the season is drawing to a close, to pass a Law supplementary to Act XI. of 1860 for the purpose of giving it. A copy of Mr. Secretary Grey's reply is herewith forwarded for your information and guidance, with a request that you will instruct the Magistrates of the Indigo Districts in your Division to follow the course pointed out in the 2nd paragraph of Mr. Grey's letter, in any case in which the contingency adverted to at the commencement of this letter may arise.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4083, dated the 6th August 1860.)

SIR,

THINKING that the information it contains will be gratifying to His Excellency the Governor General in Council, the Lieutenant-Governor directs me to forward for His Excellency's information, in continuation of my letter of the 4th instant, No. 4059, the annexed Extract from a private letter just received from the Joint Magistrate and Deputy Collector of Jessore:—

"There is no difficulty in either Khoolneah or Norail Sub-Divisions about Indigo, except at Mullickpore, where Mackenzie has adjusted matters very nicely. So, the story about Pakadangah must be all invention as far as Jessore is concerned. The only excitement is out by Magoorah, but, Planters are meeting it by cash, even to going out in Palkies with money and hath chittas, and with their own hands paying for Plant on the spot. Molony wrote in yesterday that all is quiet as possible out there. The *only* open act I have heard of was a rescue of cattle, which had been trespassing in some Indigo, and which were being taken to the Thannah, and about which a case has been instituted before Tayler. I have not received six petitions about Indigo matters since cutting commenced, although every Factory has been manufacturing for from three to five weeks."

From W. GREY, ESQ., Secretary to the Government of India, Home Department, to A. R. YOUNG, ESQ, Secretary to the Government of Bengal, —(No. 1476, dated the 7th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 4059, dated the 4th instant, and of its enclosures, on the subject of the statements which reached the Governor General in Council regarding the refusal of the Ryots in the Indigo Districts to cut and carry the ripened Indigo Plant when ready for manufacture, and in reply to state that the Lieutenant-Governor's course of action in the only cases in which representations have been made to him of the Ryots refusing to cut the Crop appears to the Governor General in Council to have been wise and

proper, and he sees no reason to suggest any further specific instructions to the Magistrates in the Indigo Districts, if the power mentioned in the postscript of your letter can be given to them, *viz.*, that of allowing the Planter, when claiming the Crop, to take it on depositing security for the full value thereof, to be paid by him to the Ryot in the event of his losing his case.

2. The perusal of these papers has satisfied the Governor General in Council that the cases in which there has been a refusal to cut and carry Crops which were, by virtue of advances or contracts, the property of the Planter, are extremely rare, if indeed they exist at all, and that there is no fear of their becoming numerous.

3. His Excellency in Council regards the matter as one in which, on the score of justice and sound policy, it behoves the Government to be very cautious of interference beyond the Law, and the papers submitted with your letter show that this is the view of the case taken also by His Honor the Lieutenant-Governor.

P. S.—Since the above was written, the Governor General in Council has received your letter of yesterday's date, enclosing an Extract of a private letter from the Joint Magistrate of Jessore, which quite confirms the estimate of the general state of affairs taken by the Lieutenant-Governor in your previous communication.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Magistrates of Nuddea and Jessore,—(No. 4107, dated the 7th August 1860.)

SIR,

I AM directed to request that if any actual attempt be made anywhere within your jurisdiction wantonly to destroy the Indigo Plant now ripe for manufacture, you will cause the Police to prevent such destruction, as that can be for no one's interest, and is very likely to be for the injury of Planters who have made advances.

2. The Lieutenant-Governor does not anticipate that now, after cutting has gone on quietly so long, any Ryots would make such an insane and self-injurious movement as the wanton destruction of the still uncut Crops would be, but as one instance has just come to his knowledge in which a Manager has reported to his Principal in Calcutta a case of throwing Indigo into the River, the Lieutenant-Governor has thought

it proper to issue these instructions with a view to precautionary measures being taken by the Police to prevent wanton destruction of this sort.

3. This protection of the Plant, I am desired to observe, will not interfere with the just settlement of any disputes regarding it.

No. 4107.

COPY forwarded for the information and guidance of the Officers in charge of the Sub-Divisions of Magoorah and Norail.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 4105, dated the 7th August 1860.)

SIR,

I AM directed to forward to you six copies of the accompanying letter of instructions issued this day to the Magistrates of Nuddea and Jessore, regarding the alleged wanton destruction of the Indigo Plant now on the ground.

2. Copies have been forwarded for the information and guidance of the Officers in charge of the Sub-Divisions of Magoorah and Norail.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to the Secretary to the Government of Bengal,—(No. 485, dated the 8th August 1860.)

SIR,

I HAVE the honor to acknowledge receipt of your letter No. 4107, dated 7th August.

As it has come direct I take the opportunity to assure His Honor that I have not had a single case brought to my notice of wanton destruction of Plant ready for cutting. It is impossible altogether to check cattle trespass; but I have not even heard a rumour of any other injury being done to the Plant, and cattle trespass is now so much feared by the Ryots that I have known Gwalas move their bâtâns away from the neighbourhood of Indigo for safety's sake.

From the few cases in which I have personally interfered, and from every other case of which I have heard, I can discover no reason but one why the Plant is not delivered as usual, and that is the want of security

that the proper price shall actually be paid independent of old advances. The Ryots are fortunate in having a splendid Crop, and though they certainly are taking full advantage of their position in settling the sale of it, they have shewn no intention whatever to lose its value altogether.

I have had many more applications from Ryots begging for interference on the conditions of sale, than I have had from Planters for delivery of the Crop.))

No. 4272.

COPY forwarded to the Government of India, in the Home Department, for information, in continuation of Endorsement No. 4193, dated the 14th instant.

By Order of the Lieutenant-Governor of Bengal,

A MONEY,

FORT WILLIAM, *The 20th August* 1860. } *Offg. Secretary to the Government of Bengal.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4126, dated the 8th August 1860.)

SIR,

IN continuation of my letter No. 4083, dated the 6th instant, I am directed to state, for the information of His Excellency the Governor General in Council, that, in consequence of the allusion made in the letter, from which an Extract was therewith forwarded, to some occurrence in the Pakadangah Concern, the Lieutenant-Governor made private enquiry of the Owners of that Concern, who have been so good as to furnish him with the reports they had received from their Manager there. From these it appears that the Manager had complained to them of great loss of Indigo Plant from the grazing of cattle, between the 17th and 26th of July; and that he had at first made mention of Plant having been cut in the night, and thrown into the River, hid in holes, &c.; but this part of his complaint was somewhat vague, and did not seem to apply to any material quantity of Plant, nor was it insisted upon in his subsequent reports. The part of the Concern referred to is not in Jessore, but in the District of Furreedpore, respecting Indigo affairs in which District no complaints have been brought

forward, and no correspondence between Government and the Local Authorities regarding Indigo matters has occurred.

2. On the whole, the impression left on the Lieutenant-Governor's mind on a perusal of these papers was that the Manager had led the Owners to expect a very large out-turn; that the out-turn was extremely disappointing, and that this failure was attributed by the Manager, amongst many other things, to loss of Plant by its being grazed down by cattle and otherwise destroyed to an extent which probably very largely exceeds what a detailed enquiry would support. This appears to have been very much the impression of the Owners themselves.

3. As it appears that all cause of complaint ceased on the 27th ultimo, no active measures are necessary. But as in one of the Manager's letters mention is made of several heaps of Indigo Plant which had been cut and thrown away having been shewn to the Police, by whom the circumstance was reported to the Magistrate, that Officer has been called upon to submit a report upon the case.

4. I am also desired to state for the information of His Excellency in Council that on first learning from the Owners of the Concern in question (which was not till after my letter of the 6th instant had been despatched), that the Manager of Pakadangah had complained to them of the destruction of Plant, the Lieutenant-Governor caused the accompanying letter of instructions to be issued to the Magistrates in charge of the Indigo Districts in the Nuddea and Rajshahye Divisions, desiring them to cause their Police to prevent the wanton destruction of the Plant, if any such attempt should be made. A copy has now been sent for the guidance of the Magistrate of Furreedpore.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division,—(No. 209Ct., dated the 7th August 1860.)

Forwarded for the information of Government.

From E. W. Molony, Esq., Magistrate of Jessore, to the Commissioner of the Nuddea Division,—(No. C., dated the 4th August 1860.)

Sir,

I have the honor to inform you that there has been no disturbance of the peace which calls for any remark, during the past week, in the Indigo Planting portion of the District.

Mr. Mackenzie reports that his Sub-Division is quiet, with the exception of a dispute between two Native Zemindars regarding the boundary of a Village. Baboo Hurrinath Roy, who is reported as being in actual possession, has sown Indigo on the disputed land. I am of opinion that there will not be any disturbance of the peace from this dispute. The Local Agents of the parties will be bound down to keep the peace.

2. The manufacturing in Magoorah is going on, but, from the Ryots not working with a good will, it does not get on so fast and satisfactorily as in former years. The trespass and damage by cattle has been very great and difficult to check; some cases are now being brought forward for this offence. No cases have been instituted for breach of contract as yet, nor do I think there will be until after the manufacturing is over. The absence of the servants and assistants in prosecuting these cases, and a feeling of uncertainty regarding their issue, make the Planters desirous of getting what Plant they can by making concessions. They will be able to sue those Ryots who break their contracts, either for what is termed a "pucca Maldabi" in the Moonsiff's Court, or summarily under Act XI. of 1860. I do not anticipate that there will be any breach of the peace. Mr. Tayler has passed a decree, under Act IV., 1840, in favor of the Meergunge Concern, for 175 beegahs of land in Shiengram Village. The result of this case will, I think, secure the peace there. From what I have seen and heard I think that the Planters are all pursuing a policy of concession and not of coercion. Had the latter been attempted in the present spirit of the Ryots the consequences would have been serious. Some Petitions are still coming in to Mr. Tayler, but these, as I mentioned before, are all presented with the object of shewing a determination not to cultivate next season.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4153, dated the 9th August 1860.)

SIR

IN continuation of my letter No. 4126 of yesterday's date,, I am directed to forward, for the information of His Excellency the Governor General in Council, the accompanying copy of a further

Report from the Magistrate of Jessore, relative to the state of affairs connected with the Indigo cultivation in that District, which will be found to be satisfactory.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 212Ct., dated the 8th August 1860.)

SIR,

In reply to your letter No. 3834, dated 21st ultimo, I have the honor to state, for the information of the Lieutenant-Governor, that in a letter from Mr. Tayler to Mr. Molony, forwarded to me by Endorsement, No. E., dated 4th instant, Mr. Tayler expressly declares that so far from his ever having exhibited any reluctance to take up suits under Act XI. he has invariably urged Planters to bring forward cases under that Law, but they have steadily refused to avail themselves of it.

2. Mr. Tayler adds that he thinks on the whole they have acted for the best in refusing to complain, "for by a few judicious concessions on their part, the Ryots are now allowing the Planter to carry or themselves are taking the Plant to the Factories, and merely now present Petition against being forcibly made to take advances for the next season."

No. 4193.

COPY forwarded for the information of the Government of India in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM,
The 14th August 1860.

A. R. YOUNG,
Secretary to the Government of Bengal.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 4192, dated the 13th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 212, dated the 8th instant, and to state in reply that the Lieutenant-Governor is glad to find from it that the allegation against Mr. Tayler,

that he refused to take up suits under Act XI. of 1860, is unfounded; and that the recent disagreements between the Planters and Ryots of the Magoorah Sub-Division connected with the cutting and delivery of the Indigo Plant, have been settled in the best possible manner.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 210Ct., dated the 7th August 1860.)

SIR,

I REGRET to have to lay before the Lieutenant-Governor the following statement of a very serious affray at Mullickpore, which occurred on the 18th June last, between the Factory servants of Mr. Driver, of the Meergunge Concern, on the one side, and the Ryots and servants of Baboo Hurrinath Roy, on the other.

2. The causes which led to the affray are reported by Mr. Skinner, who personally investigated the case, to be as follows:—

"Last year Baboo Ramrutton Roy, one of the parties in this case, purchased a jumma of a few Rupees in Mullickpore, and claimed nearly the whole Village in consequence. The matter was settled by an award under Act X. of 1840, for possession in favor of the Meerguuge Concern, that was across the Banka Nullee, on the East shore. It would seem now that Hurrinath Roy, &c., taking advantage of the death of Mr. Macarthur, and the accession of Mr. John Driver, got some of the petty holders on the West side of the Banka Nullee to make over their tenures. The Factory people having, for the first time during several years, every prospect of a good season and a fine Crop in Mullickpore, would not quietly permit Hurrinath Roy to oust them, and tried to get hold of Panchoo on account of his influence with the Ryots."

3. With this view some twenty-five men were assembled in the adjoining Factory of Luckhipassa; thence they marched out in broad day-light to a house in the neighbourhood of Mullickpore, and there, after being fed by the Owner, they deliberately went down in a body to seize Panchoo. The opposite party, who were not altogether unprepared for this attack, met it with such forces as they could muster, and the result was the death of Panchoo, who was speared in three places, the wounding of Asgur and Budderoodee on the same side, and the

wounding of Sunkoree, a servant attached to the Factory. These three wounded men were carried off the field immediately afterwards, and, though every exertion has been made and is still making for their recovery, they have never been heard of since, nor has it yet been satisfactorily proved whether they were taken away by their friends or their enemies.

4. Immediately after the occurrence charges and countercharges were made to the Police, the Baboo's people charging the servants of the Factory with the murder of Panchoo and wounding of Asgur and Budderoodee, and the Factory people charging the Baboo's people with the plunder of the Cutcherry at Mullickpore and the wounding of Sunkoree.

5. From the result of the enquiries made by Mr. Skinner on the spot, there would appear to be no doubt that the attack originated with the Factory people, and that the murder of the unoffending Panchoo, and possibly of three other persons, lies at their door.

6. Seven persons on the part of the Factory have been apprehended, and I shall communicate the result of the trial for the Lieutenant-Governor's information.

7. I greatly regret, from circumstances detailed by Mr. Skinner, of Mr. John Macarthur, the Superintendent of the Factory, being sick and absent at the time the affray took place, and of Mr. Driver also, the Superintendent of the Concern, being several miles distant, that it is apparently out of the question to commit either of these persons, as having taken a criminal part in this most disgraceful occurrence, with any hope of securing a conviction, though it is quite impossible to suppose, from the fact of the Lattials being publicly assembled in the Factory, and thence going out armed to fight in an equally open manner, that such lawless acts could have been done without the previous knowledge or consent of one or both of them.

8. The conduct of the Police, previous to the occurrence of the affray, appears to have been most reprehensible. The Thannah is only four miles distant from Mullickpore, and, judging from the Map, not about two from the Factory where the Lattials were assembled. It was well known in the neighbourhood that there was a likelihood of a disturbance at Mullickpore, and that men were collecting for the purpose, and yet the Darogah, either wilfully or through gross blindness, never

exercised any interference until the whole affair was over. Two Burkundauzes (one only an Acting Officer) were even still nearer the spot, and yet neither managed to convey any intelligence to the Thannah in time to be of any service; indeed the deposition of one of them leads me to think that he was suborned to support the Factory.

9. In the last communication I have received from Mr. Skinner on the subject, dated 31st ultimo, he reported that, as a precautionary measure, he had bound down several persons, including Messrs. Driver and Macarthur, in heavy securities to keep the peace; but he added, I am happy, to state, that there would appear to be no reason for any further disturbance; the Indigo cutting is progressing in Mullickpore most peaceably, the Planters paying cash down for the Plant, and the Ryots only regretting that Boats did not come fast enough to take it away.

10. These successful arrangements are stated by Mr. Skinner to have been brought about by Mr. Mackenzie, the Deputy Magistrate of Norail, acting under his suggestion.

11. In conclusion, I beg to explain that the delay in reporting this case has been occasioned by my not being in earlier possession of all the Magistrate's proceedings, owing to there being so many persons concerned; they are not even yet completed, though very nearly so.

From A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 4336, dated the 21st August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 210Ct., dated the 7th instant, reporting upon a very serious affray which occurred at Mullickpore on the 18th of June last, between the Factory Servants of the Meergunge Indigo Concern and the Ryots and servants of Baboo Hurrinath Roy, in which one man was killed, and three others wounded and immediately carried off, though whether by their friends or enemies it is not yet known.

2. The Lieutenant-Governor has no doubt that you will see that every exertion is made to convict the guilty, to ascertain the fate of the three missing men, whose murder is still doubtful, and to release such as may be alive and in the hands of enemies. A large reward should be

offered for true information, leading to the conviction of any guilty persons otherwise likely to escape; if this has not been done already, the omission should be rectified immediately.

3. The Lieutenant-Governor has no doubt that the Darogah and other Police Officers alluded to in the 8th paragraph of your letter will be properly dealt with. In flagrant cases of this sort, where there has certainly been general negligence or incompetency in the most extreme degree, or corrupt connivance in all whose duty it was to guard against the outrage, I am to observe that it is proper to dismiss all Officers involved in the charge who cannot show that they did all that could have been done by good and efficient Officers in the case.

4. In this affair the European Managers, who were absent at the moment, have been bound over. But in all such cases it is well known that Native agency is employed; yet there is nothing in your letter to show that the head Native servant of the Factory has been bound over, or otherwise proceeded against. The Lieutenant-Governor presumes at all events that the person in charge of the Factory when the band assembled there, and the owner or person in charge of the House at Mullickpore, who fed them, are under vigorous prosecution.

5. This case is but an instance of the unsuitable nature of the present Law of affray to the circumstances of this country. The Lieutenant-Governor has already conveyed his opinion on this subject to the Legislative Member for Bengal; and he intends, with reference to the present case, again to address both that Gentleman and the Government of India, in the hope that some suitable Law for the prevention of affrays may be passed.

From A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to A. SCONCE, ESQ., Legislative Member for Bengal,—(No. 4335, dated the 21st August 1860.)

SIR,

IN continuation of Mr. Officiating Secretary Lushington's letter No. 559, dated the 28th of February last, I am directed to forward for your consideration a copy of the correspondence noted on the margin, relative to a very serious affray attended with loss

From Officiating Commissioner of Nuddea, No. 210, dated the 7th instant.
To Officiating Commissioner of Nuddea, in reply, No. 4336, dated the 21st instant.

of life, which occurred on the 18th June last at Mullickpore in the Nuddea Division.

2. The affair seems to the Lieutenant-Governor to be one of a class of cases, the frequency of which, under a civilized Government, must be felt to be a disgrace both to the administration and the legislature of the country. Whoever does not take all reasonable and fit measures to prevent such outrages, so far as lies in his power, participates as an individual in this disgrace.

3. The Lieutenant-Governor is convinced, and, as far as he is aware, all persons of Indian experience are convinced, that, in order to prevent such cases, a Law, specially suited to the peculiar circumstances of this country, is indispensable. And, that he may not participate in the disgrace which will continue to attach somewhere if this shameful state of things continue, the Lieutenant-Governor desires to urge upon you in the strongest manner to move the Legislature to pass a Law, having this object, appropriate to the country for which it is their function to legislate. The Lieutenant-Governor begs that you will press upon the Council that they are not legislating for Middlesex, but for Bengal; and therefore that it is no argument against a Law which is to be applied to Bengal that such a Law would be objected to in Middlesex. It is only because India requires peculiar legislation that it has a special Legislature of its own.

4. Here is a case in which, according to the report, there can be no doubt, in the mind of any reasonable man, about the originators of the outrage, or their motives. Even if the report of the Local Officers were contested as to any point of fact or inference, the argument for a Law would remain the same, because it cannot be questioned that affrays, with murder, such as the affair here reported, instigated by those interested in Zemindaries, Indigo Factories, Farms and other such Concerns are common in Bengal. If gentlemen hesitate to legislate suitably for the suppression of such outrages, because of notions of legislation such as are naturally and properly in vogue in England, let them imagine what changes would come over the feelings of English Legislators if such affairs as this were to become common in England, the real criminals who cause and profit by the outrages being as perfectly secure from all legal penalty as the most innocent infants in the country.

5. The Lieutenant-Governor therefore presses for the enactment of an Affray Law on the principle originally suggested; which is to sub-

ject to very heavy fine all persons in whose interest affrays are committed, and all persons whose houses or lands have been made use of by the persons guilty of such outrages, in the course of the act, who cannot prove that they and their servants, for whom they are responsible, did all that it was possible for them to do in order to prevent the crime.

6. The binding over which has been resorted to in this case, and which is the only thing a Magistrate can resort to in such cases, is in reality no remedy at all; for unless complicity can be proved the penalty of the Bond cannot be inflicted, though another affray and a dozen other murders should be committed on the very next day, on the same spot and in the same interest, from the same motives, by the same instigation, and at the cost of the same prime agents. And if complicity in such an affair can be proved, it will not be a question of the fine, but of the capital punishment of the guilty parties.

7. It is for cases where proof is impossible that a Law is required, the effect of which will be to deprive the originators of such crimes of the guilty profit for which alone they are committed. This will go to the root of the evil.

8. The mere execution of the Criminal Law upon the low agents hired for such purposes as this will not in Bengal put a stop to this class of offence. If a dozen of the Lattials and Spearmen who murdered Panchoo are hanged for the crime, the effect would probably not be to raise the hire of such ruffians for such purposes by two annas a day. This will not touch the instigators. It was not the Lattials and Spearmen who, according to the present report of the case, and indeed according to any rational hypothesis concerning it, had an object in kidnapping, with the chance of killing this influential Ryot. Those whose object this was, having no Law to fear for themselves, will not be deterred from doing the like again by the mere punishment of their vile instruments.

9. Besides the provision for the prevention of affrays above recommended, the Lieutenant-Governor is of opinion that the mere collection, harbouring, or concealing of Lattials in a house, out-house, or office, should subject the owner or possessor, or master of servants in possession, to heavy fine; and that the hiring or assembling of Lattials or Peons, or other men not being mere laborers, in excess of a number of retainers to be duly registered by the Magistrates, should be highly penal. As these men are procurable through their Captains at a day's

notice, it is only by punishing those who harbour and conceal them, when collecting, that the Law can attain its object in discouraging the employment of bravoes of this sort.))

From A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 4334, dated the 21st August 1860.)

SIR,

I AM directed to forward, for the consideration of the Government of India, a copy of the papers noted in the margin, relative to the passing of a suitable Law for the prevention and suppression of affrays in Bengal; and to state that the Lieutenant-Governor earnestly entreats the support of His Excellency the Governor General in Council, in the immediate enactment by the Legislative Council of some such Law as he has recommended to Mr. Sconce.

From Legislative Member for Bengal, No. 24, dated 12th January 1860.
To Legislative Member for Bengal, No. 559, dated 28th February 1860.
To Legislative Member for Bengal, No. 4335, dated the 21st instant, with enclosures.

No. 4335.

COPY of this letter, and of the accompanying correspondence, forwarded for the information of the Indigo Commission.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 220Ct., dated the 15th August 1860.)

SIR,

I HAVE the honor to submit a copy of letter No. 306, dated 15th instant, from the Joint Magistrate of Jessore, regarding the alleged wilful destruction of Indigo by Ryots.

2. I have asked Mr. Skinner to desire Mr. Mackenzie to make a careful enquiry regarding the beegah or two referred to in the first paragraph, and to report the result.

3. The other places mentioned by Mr. Storm appear to belong to the District of Furreedpore.

From C. B. SKINNER, Esq., Joint Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 306, dated the 11th August 1860.)

SIR,

FROM communication this day received from Mr. Mackenzie, I have the honor to inform you, Mr. Storm complains of "a beegah or two of Plant, remaining to be cut" in Sootia, having been destroyed by the Ryots. He also wrote to Mr. Mackenzie that Plant in Goopeenathpore, Chunder Deegoolia, and Pakadangah, has been cut and thrown into the jungle, which appear to be in the Goopeenathpore Pharee of Furreedpore.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of Nuddea,—(No. 227Ct, dated the 22nd August 1860.)

COPY submitted for the information of the Government.

From E. W MOLONY, Esq., Magistrate of Jessore, to the Officiating Commissioner of Nuddea,—(dated the 14th August 1860.)

SIR,

I HAVE the honor to report my return to the Sudder Station on Sunday, the 12th instant. I visited the Sub-Divisions of Magoorah, Norail and Khoolna, and collected what information I was able with regard to the disputes between the Indigo Planters and Ryots regarding the cutting of the Plant on the ground. I am glad to be able to report that I do not anticipate any disturbance of the peace upon that account. Some of the Factories have closed, and most of them will do so during the present week. Some few may work on to the end of the month.

No. 4438.

COPY forwarded to the Government of India, in the Home Department, for information.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM,
The 25th August 1860.

A. MONEY,
Offg. Secretary to the Govt. of Bengal.

From E. H. LUSHINGTON, Esq.; Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 219Ct., dated the 15th August 1860.)

SIR,

WITH reference to the copy of the decision I submitted for the Lieutenant-Governor's perusal with my letter No. 43, dated 7th June last, I have the honor to report that, on the Darogah of Damoorhoodah, Greesh Chunder Bose of the 1st Grade, being called upon to submit an explanation of the circumstances under which he issued the Hookoomnamah on the Police containing instructions at variance with those communicated to him in Mr. Herschel's Perwannah of the 19th April, that Officer submitted a statement shewing that he was not then in receipt of Mr. Herschel's orders above alluded to. The Darogah further explained that he was led to issue this Hookoomnamah in anticipation of orders which Mr. Maclean had verbally informed him were then under preparation, but for which he was induced not to wait, as several complaints had already reached the Thannah of the oppression which was being committed throughout the country under color of the order forbidding the cultivation of Rice on Indigo lands. He also added that, when Mr. Herschel's Perwannah did arrive he did not publish it *anywhere*, "as there was no necessity of doing it after I had issued the above Hookoomnamah."

2. In commenting upon this explanation Mr. Herschel remarked as follows :—

"It will be seen that, contrary to what was generally believed, the Hookoomnamah had no connection whatever with the Circular which I issued, and that he wrote it of his own notion, under circumstances which he considered emergent, and on authority which he believed sufficient.

"In issuing this Hookoomnamah he certainly transgressed the strict rule I had laid down, forbidding any explanation to the people of the Law in any way but one, *viz.*, that of reading out authoritative statements from the Magistrate. His Hookoomnamah contained an unmistakable order to *explain to the people* a number of things, which in fact left the Policeman to whom it was entrusted at liberty to say what he thought best about the Law, and made it impossible for him to keep the Hookoomnamah to himself.

"There is, however, some excuse for this breach of a rule, the necessity for which has nowhere been more apparent than in this case.

"A distinct order had gone out, through the Darogah, forbidding the Ryots to sow Rice on Indigo lands.

"The Darogah was instructed to withdraw that order; and, as it was quite clear that a simple withdrawal without a word of explanation would have been an act of injustice to the Ryots, inasmuch as they would have read it as a plain permission to sow Rice, Mr. Maclean very properly added to his order for withdrawal a brief threat of the consequences of a mistake to the Ryots; and in his Perwannah (the contents of which the Darogah knew generally) he directed him to explain this to the *heads of Villages*. In issuing the Hookoomnamah he seems to have thought that he was only anticipating an order which he was immediately to receive in writing. But I think he was wrong either not to have waited for the Perwannah or not to have shewn his Hookoomnamah to Mr. Maclean before using it, and judging from the unnecessary fulness of the Hookoomnamah.

"I think the Darogah shewed too much impatience to correct a wrong which he saw going on, and has thereby caused some injustice in the other direction. In expressing my disapproval, however, I am far from allowing that the injustice he has caused has been equal to that which he interfered to prevent. The mischief caused has been exaggerated by one of the parties, in proof of which I may state that the resistance of the Ryots has been attributed to my Perwannah in places where I have clearly ascertained that it never could have been known at the time the resistance was offered.

"To an Officer of Greesh Chunder's education and prospects I think it will be quite a sufficient rebuke to have his error pointed out to him in decided terms."

3. At the first I was disposed to settle the case in the manner above recommended, but recollecting that I had seen, in the Native Papers of the case, a statement by the Darogah to Mr. Maclean that he had published the Perwannah everywhere because it was so ordered, I called upon the Darogah, through the Magistrate, for an explanation of those apparently directly contradictory reports.

4. The explanation I have since received, and in forwarding it to me, Mr. Herschel remarks as follows:—

"I regret to find that it is as flatly contradictory of his present reply as you anticipated. Had I observed it before I could not have recommended any but the one punishment which must await deliberate falsehood in a Public Officer.

"I enclose the Darogah's written defence in which he attempts to reconcile the two statements; but the endorsement on Mr. Maclean's call for explanation is too direct and simple an answer to the direct and simple question put to him, to admit of any secondary meaning whatever."

5. I regret that I feel it to be my duty, after a careful consideration of the case, to agree with Mr. Herschel that the Darogah has made a deliberate falsehood. Under ordinary circumstances, I should have no hesitation in urging that such an offence should be visited with dismissal from the Public Service; but looking to the fact that the Darogah had no material object to gain by the utterance of this falsehood, but that it was committed through a lamentable want of moral courage, and that up to the present time the Darogah has been an excellent Public Servant, with a very high character from all who have been connected with him for superior intelligence and probity, I would respectfully recommend him to the Lieutenant-Governor's most lenient consideration.

6. Pending the receipt of the Lieutenant-Governor's orders, the Darogah has been suspended from Office.

From A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 4358, dated the 22nd August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 219 of the 15th instant, reporting that the Darogah of T[illegible]nah Damoorhoodah, Greesh Chunder Bose, has been guilty of a deliberate falsehood, in making two contradictory statements of the circumstances under which he issued an order to the Police, containing instructions at variance with Mr. Herschel's Perwannah of the 19th April last, regarding the interference of the Police with the cultivation of Paddy on what are called Indigo lands.

2. The offence of the Darogah of Damoorhoodah is a most serious one. In order to avoid a censure this Officer has incurred the liability of losing his place. The Lieutenant-Governor, however, in consideration of the Darogah's general character, and of your recommendation in his favor, will not remove him from Government employment;

but he will be degraded to the Lower Grade, and be suspended from all pay and employment for six months.

3. You will be good enough to give effect at once to these orders.

No. 4359.

COPY forwarded for the information of the Civil Auditor.

Circular from A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to the several Divisional Commissioners,—(No. 87, dated the 22nd August 1860.)

SIR,

WITH reference to the accompanying copy of a correspondence noted in the margin, I am directed to request that you will instruct the Magistrates in your Division to warn Darogahs in their jurisdiction that another case of false report such as has been proved against the Darogah of Thannah Damoorhoodah will not be passed over without dismissal.

Letter from Commissioner of Nuddea, No. 219, dated 15th August 1860.
Letter to Commissioner of Nuddea, No. 4358, dated the 22nd instant.

2. In this case, in order to avoid a censure, the Darogah has incurred the liability of losing his appointment, by permitting himself to commit the disgraceful offence of making an intentionally false report.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 192Ct., dated the 23rd July 1860.)

SUBMITTED for the orders of Government. The Additional Principal Sudder Ameen's services will, it appears, be no longer required at Damoorhoodah.

From J. S. BELL, ESQ., Additional Principal Sudder Ameen, (on Deputation), to E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 4, dated the 19th July 1860.)

SIR,

I HAVE the honor to report for your information that the work at Damoorhoodah shall have been soon finished, as I hope to dispose of all contract cases now pending within a couple of weeks.

I would solicit your instructions at an early date in regard to myself, and beg to know whether I am to return to Allipore after despatching the records of decided cases to the Magistrate.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3936, dated the 28th July 1860.)

SIR,

WITH reference to your Memorandum No. 192 of the 3rd instant, I am directed by the Lieutenant-Governor to request that you will inform Mr. Bell that he will receive instructions when he is to return to the Presidency. At present his services cannot be spared from the Indigo Districts.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 202Ct., dated the 30th July 1860.)

SIR,

I HAVE the honor to solicit the orders of Government in regard to the accompanying letter from Mr. Davidson, Principal Sudder Ameen, on special duty at Damoorhoodah, stating that his services appear to be no longer required there.

2. Since submitting a similar previous application from Mr. Bell, the other Principal Sudder Ameen at Damoorhoodah, there has been this movement regarding the cutting and carrying off the Indigo in Jessore, and though I have no reason for stating that the services of these Gentlemen will be required in consequence, it will perhaps be as well they should both remain where they are for a few days longer until I am able to report more definitely on the matter.

From A. H. DAVIDSON, ESQ., Principal Sudder Ameen, Damoorhoodah, to E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(dated the 25th July 1860.)

SIR,

I HAVE the honor to inform you that I have finished my work here with the exception of a few cases of decrees in execution.

2. There seems to be no likelihood of any more suits being lodged, as the manufacturing season has commenced, and the Planters have received no inducement to do so.

3. I beg to be favored with the orders of Government as to my future movements.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 4058, dated the 3rd August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 202, dated the 30th ultimo, and to state in reply, that the Lieutenant-Governor concurs with you in thinking that it is expedient to retain the services of the two Principal Sudder Ameens at Damoorhoodah for some time longer, until the present excitement in the Jessore District, regarding the cutting and delivery of the Indigo Plant, is settled. You will be pleased to inform Mr. Davidson that instructions will be issued hereafter in regard to his future movements.

No. XLIII.

From F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division,—(No. 653, dated the 26th April 1860.)

FORWARDED to the Secretary to the Government of Bengal, with reference to his letter No. 1565 of the 4th instant.

From W. L. F. ROBINSON, ESQ., Officiating Magistrate of Moorshedabad, to the Commissioner of the Rajshahye Division,—(No. 342, dated the 18th April 1860.)

SIR,

IN reply to paragraph 4 of your letter No. 14Ct., of the 31st ultimo, I have the honor to state that, as things are going on at present, I do not think any additional Officers will be required to work the new Indigo Act.

2. There are of course cases under it before Messrs. Furrell and Wood, where the disturbance occurred; but in the remainder of the District I have, since my arrival, heard of but one case, and that is before Mr. Alexander, and will be disposed of to-day, I believe. Should any alteration take place in the state of affairs, and cases under the new Act become numerous, additional Officers will, I think, be required, as the only ones with full powers of a Magistrate are myself, Mr. Alexander, Baboos Sreesh Chunder Vidyaruttun and Shyamulanund Mookerjee, Deputy Magistrate of Kandy.

3. Should such a state of things arise as, in my opinion, would render additional Officers necessary, I shall at once apply. The delay in answering your letter arises from my having so recently joined; it was necessary that I should find out something about the state of affairs before replying to your letter.

From H. M. REID, Esq., Commissioner of the Rajshahye Division,—(No. 734, dated the 5th May 1860.)

FORWARDED to the Secretary to the Government of Bengal for his information.

From W. L. F. ROBINSON, Esq., Officiating Magistrate of Moorshedabad, to the Commissioner of the Rajshahye Division,—(No. 398, dated the 28th April 1860.)

SIR,

I HAVE the honor to report that no further disturbances have occurred about Indigo matters in this District during the week.

2. The only thing I have to report is the receipt yesterday of a letter from Mr. Hedger, of Turtipore, stating that the dwelling-house of Radhakristopore Factory (closed) had been burnt. He does not know by whom, but supposes an incendiary, because the walls were kucha-pucka. He also states that some few days ago a Ryot's land, prepared for Paddy, was sown by some unknown person with Indigo. Mr. Hedger, putting both things together, thinks some one is trying to get him into trouble. The Ryot is not under advances from the Factory. I have sent orders to the Police to enquire as to the origin of the fire; and I have communicated with Mr. Furrell, in whose Division, I believe, the place is, on the subject. I have also written to Mr. Hedger for more information, and will report to you further, if circumstances render it necessary.

From F. GOULDSBURY, Esq., Commissioner of the Rajshahye Division,—(No. 639, dated the 25th April 1860.)

FORWARDED to the Secretary to the Government of Bengal for his information.

From F. A. LUSHINGTON, Esq., Magistrate of Rajshahye, to the Commissioner of the Rajshahye Division,—(No. 185, dated the 21st April 1860.)

SIR,

IN continuation of my Report No. 168 of the 10th instant, I have the honor to state that the peace of the District, as far as the cultivation and sowing of Indigo is concerned, has continued hitherto undisturbed. Last week, on the receipt of intelligence that some

Lattials, in the pay of one Kessubnath Saha, were assembling in the Village of Goopeenathpore, in Thannah Singra, Mr. Metcalfe, the Assistant in charge of Nattore, moved thither with a body of the Police Battalion, consisting of thirty of those quartered at Deegah Putteah ; and the finding of a bundle of Spears hastily buried in the ground, and of a number of cooking pots simmering on their respective fires, seemed to indicate the gathering of some fifteen or sixteen individuals, but all had disappeared ere the arrival of the Troops. Mr. Metcalfe was fortunate also in apprehending a Sirdar Lattial of the abovenamed Kessubnath Saha, who appeared to be watching the movements of himself and his Troops, and on him were found two letters to the Ryots of Goopeenathpore, forbidding them to sow Indigo, but to sow Dhan. Kessubnath Saha is now in custody, awaiting his trial; and Mr. Metcalfe has since reported that all his differences with Messrs. Watson and Company are being amicably settled. Beyond the above, there is nothing whatever calculated at present to cause the slightest uneasiness connected with the Indigo cultivation of this District.

From F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division,—(No. 658, dated the 27th April 1860.)

FORWARDED to the Secretary to the Government of Bengal for his information.

From S. H. C. TAYLER, ESQ., Officiating Magistrate of Maldah, to the Commissioner of the Rajshahye Division,—(No. — dated the — April 1860.)

SIR,

IN accordance with your letter No. 517 of the 26th March last, requesting a Weekly Report on the state of the District, and measures adopted for preserving the peace, I have the honor to inform you that the Zillah of Maldah is at present free from disturbance. A party of twenty men of the 2nd Police Battalion are stationed near Buckrabad Factory, and seventy-five more, under a European Officer, remain in the Sudder Station ready for any emergency. I take this opportunity to mention that the Ryots on the Deharas of the Ganges, who cultivate Indigo under conditions somewhat peculiar, having misinterpreted the Proclamation embodying the substance of the second reading of the New Indigo Act which was circulated among them, and shewn a disposition to break their contracts, I have issued an explanation of

the Act as read a third time, and directed the Police Darogahs to take particular care in making the people understand its exact purport, and further to take written acknowledgments from the Headmen of Villages that "they have heard and understood the Act," and to explain to them that they will be held accountable if, to their knowledge, any illegal assembly or other disturbance on the Indigo question takes place in their respective Villages *without* their giving information to the Police. This is merely applying the general principle laid down in the Regulations to a particular case; but it appears to me likely to bring their responsibility more nearly home to their comprehension. This measure has not yet had time fully to work, but I hope for good effects from it.

The Planters of this District are beginning to avail themselves of the new Act, and I have had eight cases instituted before me in accordance with its provisions.

No. 2214.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM, *The 5th May* 1860. } H. BELL, *Under-Secretary to the Government of Bengal.*

From F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 647, dated the 26th April 1860.)

SIR,

I HAVE the honor to forward, for the Lieutenant-Governor's perusal, copy of a further Report, dated the 23rd instant, from the Officiating Magistrate of Pubna, regarding the late riot at Jungul, together with a copy of Mr. Lingham's deposition on oath.

2. This Report places the deplorable want of judgment shown by the latter Officer in even a stronger light than the first accounts of the case had done. He was deputed by the Magistrate to enquire into a complaint preferred by Mr. P. Durand against the Ryots of several Villages in his Concern, and a Detachment of thirty men of the Police Battalion were sent with him to support his authority. Under such circumstances it was peculiarly incumbent upon Mr. Lingham to have kept aloof from

the complainant until he had entered upon the investigation, instead of which he proceeded with his party to one of Mr. Durand's Factories (where quarters had been prepared for the Sepoys), and from whence Mr. Durand himself went on in advance with the Nazir and Burkundauzes, thereby giving rise to the impression that the party had come to *support* the Planter in his designs, an impression which must have been considerably strengthened by Mr. Lingham's subsequent appearance upon the ground, mounted on a Factory horse, and by his requesting Mr. Durand to assist him in his operations against the Villagers, who appear to have assembled more for the sake of opposing Mr. Durand than the Magistrate.

3. That under such circumstances a riot should have taken place is not to be wondered at, and the disastrous result is entirely attributable to Mr. Lingham's mismanagement.

4. It is satisfactory to find that the principals, with the exception of two individuals (one of whom is dead), are in custody, together with some thirty or forty others, and it is to be hoped that a conviction will be obtained in the Sessions Court.

5. With the force which is at present located in the Pubna District there is no probability of further disturbances. Indeed, the present one might, as Mr. Bainbridge correctly observes, have been avoided.

From A. J. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 23rd April 1860.)

SIR,

I BEG to enclose a copy of Mr. Deputy Magistrate Lingham's deposition on oath in the case in the margin.

Report of a case of riot and resistance to the Comercolly Deputy Magistrate, with homicide and wounding at Jungal.

I have spared no pains or personal exertion to prove this matter to the bottom.

My enquiries occupied nine days, from the 12th to the 21st; and the result is, that I have failed to discover any trace of one of the missing Sepoys, that I am morally convinced of his death, and that I can find nothing to justify the conduct of the Villagers.

They urge that they did not know it was the Magistrate; that Mr. Durand; their worst enemy, and another Sahib, with Sepoys and a large force of Lattials, fell upon their Villages, plundering and outraging the inhabitants, and that they resisted in self-defence.

The Chowkeydar of the Village of Jungal admits that both he and the other Villagers believed it was the Magistrate. He, the Chowkeydar, consequently went out to make his salaam, whereupon the supposed Magistrate immediately ordered him to be beaten. Hence his own and their misapprehension as to his identity and consequent resistance.

The general impression among the independent neighbours, every one of whose Villages I visited in person is, that the riot was the result of a mistake as to the identity of the Magistrate, caused by his own conduct, easy for common cultivators to fall into.

As to the facts of the riot, I believe every word of Mr. Lingham's account implicitly. His evidence was given with a calmness and temper which firmly impressed me with its truth.

As to the plea of misapprehension, you will observe that Mr. Lingham proceeded to the spot with all the symbols of office, in consequence of a Petition filed in open Court, and that he sent Government Peadahs to announce his approach; that he took the Sepoys first to Nohatta Factory, about three miles, as the crow flies, from Jungal, and remained there upwards of a day; that he then proceeded with Mr. Durand and the Sepoys to Nischindpore Factory, marching down the opposite bank of the River, and passing within two or three miles of the Villages; finally, the next day, thence to the scene of action. A very little knowledge of the Native habit of watching and waiting for the movements of the Hakim will convince that this plea is weak to absurdity.

Considered with the Chowkeydar's answer, with the evidence of a Shopkeeper in the Village, a Ryot of the principal Prisoner, who went to the Village the next morning for his goods, and deposes that the Villagers told him that Ramrutton Baboo's Mooktear had written the day before, advising them of the Magistrate's coming, with the fact, that it was known beforehand in uninterested Villages forming a semi circle round Jungal, and that a Cutcherry and quarter for the Sepoys had been prepared several days before in a Village within sight (distant about two miles), the plea becomes incredible.

Two minor circumstances, not without significance, are, that the armed men assembled outside the Village (the place shewn me was fully 500 yards from the houses) fled on Mr. Lingham's coming in sight, and that some eight or ten respectable persons were distinctly seen directing the rioters. There are no respectable inhabitants in the Village, no Cutcherry, &c., and at this season there is no kist business to take them

there. They were therefore expecting some one; and all the Defendants deny that they expected Mr. Durand or his men. As to the plea that Mr. Lingham was accompanied by Lattials, who looted and outraged the women, and the Chowkeydar's story, I have no hesitation in saying that this is false, and there is evidence sufficient to show it.

I am convinced the Chowkeydar's account is equally so. He states that the Sahib on the red horse beat him, and pointed out the spot. The Sahib was Mr. Durand, and the spot, between two houses in the heart of the Village, a place where that gentleman's conduct is conclusive proof that he never ventured his person.

It remains to account if possible for the outrage. Be it remembered that the Villages are very strong, and the inhabitants notorious Lattials; they have been fighting Mr. Durand for years with success and his influence has been lately on the decline; that Mr. Lingham was preceded by Mr. Durand and his local servants; that he came himself on a Factory horse and from the Factory; that a place had been prepared for the Sepoys by Mr. Durand, near Jungal; that his servants had doubtless boasted how the Pultun would dispose of their sticks and spears; and that Mr. Lingham immediately proceeded to arrest the armed men right and left.

I am inclined to think that they thought he had come to assist Mr. Durand to sow Indigo; that, urged by their leaders, who felt sure of detection should the Magistrate disperse the rioters and search the Village, which is isolated, and without Jungal, and emboldened by Mr. Lingham's scattered disposition, forbearance and retreat, they, in a fury of excitement and vindictiveness, committed the outrage.

Ordinary Natives are not far-sighted; they probably thought a victory under the circumstances would dispose of Mr. Durand for ever.

As regards Mr. Lingham's conduct, his going from the Factory was injudicious; and his want of judgment in dividing his force, and, when in the scrape, not allowing and directing his men to defend themselves with their fire-arms before they got disorganized and beyond control, lamentable.

To retreat before an infuriated crowd was the surest way to induce an attack.

Personally he shewed great courage. Nor do I think the Sepoys behaved badly; under the circumstances what could they do?

There is no doubt that the Havildar and a Sepoy saved Mr. Lingham's life; they both deserve promotion. I shall report them to their Commanding Officer.

Mr. Lingham was also wrong in not calling upon the neighbouring Zemindars to surround the Villages immediately after, and thereby secure his missing men. The Villages are quite isolated, no men near, and the body could not have been made away with.

He had however been severely beaten, almost to insensibility.

The principals, with the exception of two, are in custody, together with some thirty or forty others.

One of the aforesaid two is dead, and the other seriously ill. The latter is brother to Mr. Battersby's Naib. As Mr. Battersby says he fully believes he will come in on recovering, and promised to give timely notice should he suspect the contrary, I accepted his brother's bail to produce him within a month. One or two others made themselves conspicuous. I have offered Rupees 100 reward in each case. The Villages were all deserted, and there was no chance of the inhabitants returning so long as I or the Sepoys remained.

A Darogah and Jemadar have been left with orders to encourage the people to return, arrest the remaining Defendants, and report every day. The sowings in the neighbourhood were all but completed when I left.

The case is proved against all the Prisoners; but with the exception of the cases of Gopi Mohun Chowdhery and Ramsoonder Biswas, identification of the other principals depends only on the evidence of Mr. Durand's servants. I am afraid also that the Sepoys and Peadahs will fail to identify the same men in every instance at the Sessions that they have before me. I have only to add that I think on the whole this collision was uncalled for, and might have been avoided. It is not a test of the state of the District. The effect of the numerous arrests, and the sudden appearance of so many Soldiers in the neighbourhood, has been to send the Ryots to their ploughs in haste, with the idea that Government will enforce sowing if necessary.

My reason for saying so is that I heard Mr. Savi boast that, under existing circumstances, the mere threat of a Petition to the Magistrate had been sufficient to turn out the ploughs of all his recusant Ryots. And I noticed that those with whom I spoke were all careful to impress upon me that they had no intention of quarrelling or refusing to sow.

From P. DURAND, Esq., Nischindpore, to H. MUSPRATT, Esq., Officiating Magistrate of Pubna,—(dated the 4th April 1860.)

SIR,

I BEG to bring to your notice, and for special consideration, that the Ryots of several Villages of this Concern, lying within your jurisdiction, have, through reports ingeniously circulated, in imitation of those in Kurreempore, turned out in open rebellion at the instigation of petty Joatdars and Zemindars' Amlahs. A Petition to this effect has already been forwarded to your Court, through one of the field servants; and, in claiming your prompt assistance, by ordering the despatch of a body of determined Police, I cannot leave out that, if delay occurs by my endeavouring to secure my rights and protect my interests, the consequences are likely to be serious. They have pushed malice so far as to set fire to October Plants on ground adjoining their Paddy fields.

From H. MUSPRATT, Esq., Officiating Magistrate of Pubna,—(dated the 7th April 1860.)

FORWARDED to Mr. Lingham, Deputy Magistrate of Comercolly, with a request that he will proceed immediately to the spot, taking with him (20) twenty Sepoys sent herewith. The Sepoys have not taken their traps with them. Ten more Sepoys will start by boat for Comercolly with them this afternoon. So the Deputy Magistrate is requested to give his own orders what these ten men are to do on arrival.

Any man seized and punishable under the new Act should be sent into the Sudder Station under a guard of Sepoys.

Deposition and information of EDWARD FRASER LINGHAM, on oath.

UNDER directions of the Magistrate of Pubna, I proceeded with a guard of thirty of the Military Police towards the Village of Jungal to investigate certain cases of destruction of Indigo and assaults, lodged by the Nischindpore Concern.

I thought it advisable to take the Guard, because I had heard that I should probably find the Villagers riotously assembled; but, in order to avoid any misunderstanding on the part of the Villagers, I left the Sepoys two miles in the rear and rode on to join my Nazir and Burkundauzes.

About three-quarters of a mile from the Village of Bonnatoil, Mr. Durand rode up to say the Nazir had requested him to call me to his assistance, as they (the Villagers) were chasing my Burkundauzes.

About 500 men seemed to be assembled. On my galloping up they dispersed. They were all, as far as I could observe, armed. I apprehended three of these and the Burkundauzes seized four. On hearing from my Burkundauzes that there was a large gathering on my left, I requested Mr. Durand to remain with my Nazir without the Village on the right, and myself rode quickly towards the assembled men, I saw that they were all armed, and some 200 were clear of the houses. In advance of these men was a respectable looking person pointed out to me as one Gopee Nauth Chowdry. I think I can identify him if I see him. I held up my spread hand, calling upon them to hear me; that I was not come to fight with them. They pelted me, so I returned to my Police, and, directing them to follow, rode off to cut off some of the rioters. When I got to the end of the Village I found another small Village, as it were, full of armed men, all flourishing their weapons, and defying us to come on. Thinking my Peadahs would be at once attacked if they retreated, I ordered them to remain stationary whilst I galloped off for the Sepoys, I met them about three-quarters of a mile from the Village of Bonnatoil. I divided them into three parties, directing one to advance at the double on the right without the Village, another without the Village on the left, and the third to accompany me. On arriving near the smaller Village I observed a large body of men drawn up on a rising ground in a threatening attitude. My left here joined me. They attacked us, throwing pieces of bamboo and clods, dancing and calling to us to come on.

I walked my horse towards them, but they would listen to nothing. My men began returning their attack by fire. I begged them not to fire. Shortly after I heard a shot or two on the right. I sent a Sepoy for Mr. Durand, and entreated the latter to remain by the men and prevent the firing, whilst I rode to the right. Mr. Durand replied that he was afraid to go up, and would stay behind me. I then thought it best to fall back towards the right. I met the right hand party of Sepoys coming up to me at the double. I attempted to form the whole twenty-eight up in front of our opponents and retreat in order, in the hope that by keeping a steady front, I should be able to retreat without bloodshed.

The rioters, on our attempting a retrogade movement, made a furious onset, out-flanking us on both sides, and pouring on by hundreds from the front. I alone stood, holding up my hand, upon which they made me a particular object of attack, throwing bamboos, clubs, spears, fish-

prongs, bones, clods, and anything they could lay hands on. I was struck several times and my horse speared. Seeing the weapons coming from all sides, I galloped off to rejoin the Sepoys who were in full retreat. I dismounted and attempted to rally them. They were lost to control, keeping up an irregular fire, but not forming. I was the whole time in their front, calling upon them not to fire, depressing or throwing up their muskets, and taking the caps off the nipples as they presented, to prevent bloodshed. One of the Sepoys fell, and presently another. I endeavoured to form the men and bring off the wounded, whom I observed the rioters were beating cruelly; but the men were panic-stricken and ran away. The rioters fell upon me, I guarded their blows with a small riding cane, I rejoined my men, and got several to face about; but the rioters pressed us upon three sides, overwhelming us with blows. The Sepoys again ran. I was then severely struck, I turned and guarded seven blows, and again endeavoured to rejoin the Sepoys, but got struck down by blows, and was severely beaten while on the ground. One man was making a blow at my neck with a tulwar, calling to the others to give him room; but his blow was stayed, and I was lifted up, as I afterwards found, by the Sikh Havildar. They followed us about 500 yards out of the Village, pelting bamboos, &c., at us. The Havildar's name is Loboo Khan, I have seventeen bruises on my body, and my hat is beaten in four places. My horse was covered with wounds, and they carried him off, together with a new saddle, value Rupees 120, which I have not recovered.

I only saw one Sepoy fall between the Villagers. They beat him unmercifully, forcibly pulling his legs apart, and stripping him of his clothes and dragging him away by the legs. He did not move, and I thought he was dead. The man (Sepoy) recovered to-day, says he was the man, but I can hardly believe any one could survive the treatment I saw.

I did not see what became of the other man (Sepoy), nor did I see any one on the part of the rioters fall or get hit, with the exception of one whom I hit in the eye after he struck me. The Sepoys must have fired at least a hundred rounds.

The men I arrested ran with spears and shields into a house, whence I pulled them out; they had there dropped their weapons, which were however found.

To the Court.—I have reason to think this attack was premeditated, because I don't think so many men or weapons could have been got

together under two days at least. The pieces of thick bamboo, used as missiles, were evidently prepared with the knots all cut into sharp points, and many of the clubs and spear handles were freshly cut, and they met us half a mile from the Village. I attribute it not to the present state of disaffection regarding Indigo so much as to enmity of long standing on the part of Ram Ruttun Roy and the Baleakandee Chowdries, because these men are all said to have been present, and because the Villagers would never have gone to the expense of hiring so many professional Lattials, which more than half of them evidently were. Furthermore, Ram Rutton Roy, through his Amlah, especially the Joynisse Mohesh Chunder Chatterjea, have officially every reason to be hostile to me, and have once endeavoured to bribe me.

I saw several persons well dressed, evidently instigators and directors amongst the rioters, as they passed from Barie to Barie. The rioters knew who I was and why I came, and addressed me as Magistrate.

(Signed) E. F. LINGHAM.

The 12th April 1860.

Taken by me, this 12th day of April 1860.

(Signed) A. J. R. BAINBRIDGE,
Officiating Magistrate.

Witness to-day, being sworn, identifies Prisoner Somboo Paramanick as one of those arrested by him in arms.

(Signed) E. F. LINGHAM.

To the Court.—My order to the Nazir was to go on ahead with Mr. Durand in order to lose no time, because I was crossing the men. I intended to join him before he got to the Village. I told him to say that I was coming, and to go on to the Village. I was on a fast horse, and knew I could overtake him long before he got there. As it turned out, I missed my way, going on the wrong side of the Bheel, and did not therefore overtake as I intended. I think there were four Peons with the Nazir with chuprassess and pugries, Mr. Durand, two Syces, and five or six witnesses in the Indigo burning case, &c., to point out the ground. They had no weapons whatever; and I recollect sending back two men, Khalassies, who started with Mr. Durand, because

they had sticks. Nobody else went with either of us. I am certain the Villagers knew perfectly who I was, and I told the Nazir why I was going.

When I got there, the Villagers, that is to say armed men, were collected to the number of some 300 on a rising ground about a quarter of a mile outside the Village of Bonnatoil, shouting and chasing the Peons. They did not collect by parties from the surrounding Villages after our arrival. Mr. Durand had nothing in the shape of weapon in his hand to attract notice; he had an empty revolver in his waist, which I told him to hide by buttoning his coat over it. There had been rain the night before at Nischindpore; the ground seemed a little damp at the Village, not a sowing rain.

None of the people with me, Sepoys or otherwise, entered the Villages or gave any provocation whatever.

The Nazir went, at least started on a pony, but could not ride. The Elephant came up with the baggage of the men long after I took the Sepoys up.

I did not know that a Cutcherry had been prepared for me at Poosanelah. I had no intention of stopping there, and intended to go on to Bhetnabarry at once.

Witness, on being confronted with the Prisoners, identifies Bhyrub Chung, son of Ramnath, as one of the rioters.

(Signed) E. F. LINGHAM.

The 16*th April* 1860.

Witness being sworn.

The Prisoner Gopee Mohun Chowdry is the man pointed out to me during the riot as Gopee Mohun Chowdry. Mr. Durand rode up to me at the South-west corner of the Village, just after my Nazir had induced me to mount my horse, as the Villagers were evidently determined to fight and would not hear him, and said, look, there is Mr. Lingham, the Chowderys are out leading on their men, pointing to the Prisoner and mentioning his name. I advanced on horseback up the Village road towards him and saw a body of armed men at his back, who were just driving in my Peons. Those men particularly addressed me as Magistrate and Hakim, not listening to anything I had to say, using threats. The Prisoner slunk back as I passed him, apparently with the intention

of concealing himself. His head was uncovered. I also recognize, to the best of my belief, the Prisoner Ramdhun Chowkeydar. He was standing with a spear in hand among other rioters, with his chupras on, when I walked my horse up to speak to the rioters, three-quarters of an hour before the Sepoys came to the Village. There were other Chowkeydars with him.

To the Court.—I passed through a Hât of Ram Rutton Baboo's with the Sepoys the evening before this riot. The Hât was going on, and number of Cutcherry Amlah came out to look at us.

This Hât is not above four or five miles from the place where it took place.

The riot took place at about 9 A. M. or a little after and lasted until 11-30 A. M., (Witness here identified Prisoner Nimay, son of Aradhon Chung, as one of the rioters.)

I should say at least 1,200 men opposed me.

(Signed) E. F. LINGHAM.

The 18th April 1860.

To the Court.—I struck one rioter, whom we first seized the calf, because he refused to submit to the Nazir after arrest. It was no time to trifle.

Ramdhun Chowkeydar and any others who showed marks must have come by them in the fight. I saw no one struck among the persons we seized.

I went to Nischindpore because my order did not specify where I was to go; and I wanted shelter and russud for the Sepoys. Mr. Durand rode to Nowhatta to meet and take me on there.

I told him at the time that I had rather he did not accompany me from Nowhatta to the Factory, as it might have a bad effect. He said that Mr. Muspratt had written requesting him to meet me and show me the way. Mr. Durand accompanied me to the Village of Jungal to show me the Indigo and look after his case. Mr. Durand did not approach the Village nearer than half a mile, until accompanied by me.

I saw no one touch any cows or commit any outrage whatever.

On the morning after the riot I wrote to Messrs. Battersby and Savi, requesting them to do their best to recover the Sepoy, who I heard was still alive; and placed nets across the River, and stationed fishermen at

intervals of two miles along the River, into which the body of the other was likely to be thrown. I may mention as another reason for my presence with the Sepoys being generally known that I was for a day or rather more at Nowhatta with them before I went to Nischindpore.

The Darogah arrived the day after the riot. I gave him a secret order to go to the Village and discover the wounded Sepoy, and if he wanted assistance to let me know. I was then at Mohespore.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2220, dated the 5th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your predecessor's letter No. 647, dated the 26th ultimo, forwarding a copy of a further report from the Officiating Magistrate of Pubna, of the late riot at Jungal, together with a copy of Mr. Lingham's deposition on oath.

2. The orders already passed in my letter No. 1847, dated the 21st ultimo, to Mr. Gouldsbury's address, sufficiently dispose of Mr. Lingham's case.

3. A copy of Mr. Lingham's deposition will be sent to Major Rattray, with a view to the Havildar and Sepoy who saved Mr. Lingham's life being properly rewarded.

4. Mr. Bainbridge seems to have exerted himself very successfully in the suppression of the riot.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Inspector of Police Battalions in Bengal,—(No. 2221, dated the 5th May 1860.)

SIR,

IN continuation of my Endorsement No. 1848, dated the 21st ultimo, I am directed to forward to you the accompanying copy of a deposition on oath, by Mr. Deputy Magistrate Lingham, relative to the late occurrences at Jungal.

2. The Lieutenant-Governor will be glad if the Havildar and Sepoy who saved Mr. Lingham's life can properly be rewarded.

From E. F. LINGHAM, ESQ., Deputy Magistrate, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 15th May 1860.)

SIR,

I TRUST that I shall not be considered intrusive in venturing to address you on the subject of your letter No. 1847, dated 21st April last, and addressed to the Commissioner of Pubna, the contents of which letter, owing probably to my removal from that Division have not yet been officially communicated to me, but which have come to my knowledge from a perusal of the papers relating to the Indigo cultivation (published by authority.)

2. Regretting, as I do most deeply, that I should have fallen under the displeasure of His Honor the Lieutenant-Governor, I am naturally desirous of truly representing some matters which appear to have been misunderstood to my prejudice, and this desire will, I trust, be a sufficient excuse for any irregularity, if there be any, in my addressing you direct.

3. It is not my intention to question the correctness of His Honor's judgment to the effect that I erred in not having used the means at my disposal to disperse at the beginning the tumultuous assembly; but the matters which I desire especially to notice are the following, namely:—

1*st*.—The imputation of mismanagement in dividing the small Force at my disposal into three parties in the face of an armed multitude of 1,200 men.

2*ndly*.—The neglect to give directions for Military action when that multitude shewed a determination to attack my party; and

3*rdly*.—The order given to the Military Police to retreat after they had been attacked by the rioters, and the result of that order.

4. That the remarks I am about to offer may be better understood, I beg to submit herewith a plan of the locality of the disturbance.

5. It will be observed that I, with my party, approached the Village of Jungal from the South in the direction of Village Bornatoil, which was almost deserted, but on the outskirts of which I had secured seven rioters, who were sent to the rear. The Village of Bornatoil being almost deserted, I ran no risk in thus dividing my men; and indeed I passed through the Village with eight men without a show of resistance. I gave directions to the other two parties to skirt the Village on either side and meet me on the opposite side (to the North) on the grass plot before the Village of Jungal. This was done by both parties, and the three

parties were about 100 yards from each other in the open before Jungal. I joined the left party.

6. The right party remaining stationary, I directed them to follow me and then moved up with my own party and the left in the direction A. (see Sketch.) I was not without hopes of yet taking a few armed men, but when they began to assemble in considerable numbers in the Village facing me, I left my men about seventy yards from the Village and walked up alone to reason with the rioters. They created such an uproar that it was impossible to make one's self audibly heard.

7. A little patience, however, might have produced the desired effect, but my party, contrary to orders, when, to the best of my knowledge, the missils cast had not reached *them*, opened fire, and could not be effectually restrained.

8. The right party had not yet joined me as I had directed, and they, taking the signal from my party, also fired. Here it was that I sent for Mr. Durand and requested him to remain with my men whilst I rode down the lane at B., for the purpose of bringing up the right party. In the lane C. I met my Nazir and directed him to tell their Naick to join me, it being my intention to concentrate the Force at or about the spot where the eighteen were; and there to use it for the suppression of any violence which might be attempted outside the Village.

9. Unfortunately, however, Mr. Durand, as appears from his own statement instead of remaining with the men, followed me, and from what reason I am unable to state. The men with whom I had requested him to remain followed him up the lane, into which it was not my intention they should enter.

10. After meeting my Nazir and turning back, I perceived that the men whom I had directed to remain in the open were at the head of the lane C., and that the rioters here assembling in large numbers to the North of the lane, among their huts, and I, being most unwilling that the men should fire into the Village by which the lives of the innocent might be sacrificed with the guilty, gave directions for the party to retire down the lane C., then intending to form them all on the grass plot at D. to the South of Jungal, and *there* act against the rioters if they followed.

11. I freely acknowledge now that I erred in giving that order, and had I foreseen the consequences of it would, on my own responsibility, have maintained the position in the lane into which circumstances had

thrown us. I regret I did not pursue this course, and also deeply regret that the course adopted and its consequences should have brought on me the displeasure of the Lieutenant-Governor. But I would respectfully urge, for the consideration of His Honor, that when I gave that order it was my intention that the Military Police should retire in Military order, not as appears to have been understood by them that they were to "run away." I repeat that my directions were to retire without firing in the lane. This they did for a short distance, and I advanced alone to reason with the rioters, but when I turned, I perceived the Military Police were in disorder, some running, others turning occasionally to fire; and shortly after (before I had rejoined them,) the party "ran away," as the Havildar Sheu Khan reports them to have done, and it was whilst so running away that the two Sepoys, one of whom was killed, fell.

12. I trust that I shall be excused for repeating what has already been regarded with displeasure, but I could not give a clear statement of the matters were I to omit stating this part of the case, and I think I am, in justice to myself, entitled to mention a fact which is confirmed by the Havildar, because to this "running away" may fairly be attributable much of the evil that arose. The rioters became thereby emboldened. During the short time the Military Police retired in order, the rioters though they cast missils at them, or more properly speaking towards them, yet did not press upon them, and that I did not allow them to do so is best evidenced by the fact of but one man of the whole Force receiving a slight bruise on the shoulder. Had my intentions been carried into effect, and the Police retired in such order as to be able to act on the offensive whenever it became necessary to do so, it is most probable that the rioters would not have dared to attack us; it was when they saw the men disorganized that they took courage.

13. When the Sepoy had fallen (I saw only one,) I did not for a time prevent the others firing, but I could not prevail on them to bring him off.

14. After a deal of hasty firing the Military Police again "ran" as I subsequently found, because they had expended almost all their ammunition. No effect of mine could stop them, though I perceived we were by this time quite clear of the Village and on the spot whence it was my intention to act. I was left behind and maltreated by the rioters.

15. On rejoining I ordered a volley* and the rioters then dispersed; more I supposed on account of their unwillingness to follow us in the open than on account of the firing; for though above 140 rounds had been fired, I had not noticed one of the rioters fall.

Vide Havildar's deposition.

16. I do not question the propriety of the decision to which His Honor the Lieutenant-Governor has come. I am now conscious of my original error in not ordering the Military Police to fire when the rioters first exhibited a determination to attack the party: but as has before been stated, I was actuated by a desire not to run the risk of taking innocent lives with the guilty, and I certainly was ignorant of the temper of the men placed at my disposal. Besides, I could not forget that Mr. Durand who had complained against the Villagers had accompanied me.

17. I trust I may be pardoned in thus occupying His Honor's time. My object is to show that however unfortunate my management of the affair might have been, there was neither that want of personal courage nor that degree of incapacity which should deprive me of all hopes of regaining the confidence of the Government.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to E. F. LINGHAM, ESQ., Deputy Magistrate,—(No. 2573, dated the 19th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter dated the 15th instant, in which you recapitulate the circumstances connected with the recent affray at the village of Jungal, with a view to correct what you consider an erroneous impression entertained by the Lieutenant-Governor of some of your proceedings on that occasion.

2. The Lieutenant-Governor, I am to observe, formed his opinion of the case on your own account of it. You have throughout described the event in the most candid and creditable manner; but the Lieutenant-Governor regrets that the present further account of it does not enable him to alter his original opinion of your management of the affair. The Lieutenant-Governor never doubted or put in question your personal courage. On the contrary his impression is that you acted on the unfortunate occasion with personal courage, and that your mistake arose

from misapplying principles of humanity, which are in themselves creditable to you.

3. Neither is the Lieutenant-Governor's opinion of the conduct of the Military Police altered by what you have now stated. He observes that if, when you formed the unfortunate resolution of retreating, you had explained your object to the Native Officer in Command of the Party, and had left it to that Officer to act thereupon, you would have had a right to expect that Military order would have been preserved, whatever the Officer may have thought it best to do. But, as you appear to have treated the party of Military Police as though they had been a collection of Burkundauzes, the Lieutenant-Governor cannot but consider that you are yourself responsible for the confusion that followed your own acts and orders.

No. 2574.

COPY of the foregoing letter, and of that to which it is a reply, forwarded for the information of the Inspector of Police Battalions in Bengal.

From F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 663, dated the 28th April 1860.)

SIR,

I HAVE the honor to annex, for the Lieutenant-Governor's information, a copy of a demi-official communication from Mr. Bainbridge, who now is in the neighbourhood of Meerpore, where he proposes remaining "until things are settled or the cases decided."

2. It will be seen that the Kurreempore Darogah of the Nuddea District, with two or three other influential men, are supposed to have been the chief agitators and cause of the combination among the Ryots in that part of the Pubnah District. The former has been arrested by Mr. Bainbridge and sent in to Kurreempore, which measure it is hoped will have a good effect.

3. With reference to what Mr. Bainbridge states regarding the Sowars under Lieutenant Davis, I would beg to suggest that that Officer be directed to return to Berhampore with his Detachment, leaving about twenty of his men with Lieutenant Reeves to assist in arresting parties implicated in the late disturbance, and in conveying orders to the Police.

4. As everything is perfectly quiet in Rajshahye, I do not think it will be necessary to detain Captain Pughe's men here beyond the present month, when the Detachment of Lieutenant Reeves' Corps, at present located at Pooteah, may be brought in to the Station.

From A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to F. GOULDSBURY, Esq., Commissioner of the Rajshahye Division,—(dated the 24th April 1860.)

MY DEAR SIR,

I ARRIVED here this morning. Everything, as far as actual violence is concerned, is quiet, but neither Ghazeepore nor this Factory have sown. I spoke to the Ryots to-day, and am confident that if the cases under the Act are taken up sharply, they will all settle. The Deputy Wasifoodeen is here, and doing well, but he is too slow. He has been here ten or eleven days and not decided a case. He addressed me officially to the effect that, after close enquiry, he was convinced that the Kurreempore Darogah of Nuddea, with two or three other influential men were the chief agitators and cause of the whole combination in these parts. He has been constantly crossing into this Zillah. I therefore arrested and sent him into Kurreempore, under a guard of two Sepoys, with an English letter and Roobookarree. As this is the most excited part of the District, I mean to stop here until things are settled or the cases decided. I have heard of nothing to cause anxiety elsewhere.

I reported the arrival of the Sowars under Lieutenant Davis. He has no order to proceed elsewhere, so will remain until you order him away.

So many men are not required, as far as I can judge. Mr. Harris will relieve Lieutenant Reeves.

I think there will probably be a number of cases under the Act about evading and manufacturing. The presence of two extra Deputy Magistrates will therefore be most desirable.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to H. M. REID, Esq., Officiating Commissioner of the Rajshahye Division,—(No. 2159, dated the 3rd May 1860.)

SIR,

I AM directed to acknowledge the receipt of your predecessor's letter No. 663, dated the 28th ultimo, with its annexure, and to state that Mr. Gouldsbury, in hastily sending away the Sowars ordered

into his Division, whom he had to send back for immediately afterwards, has already made one mistake; the Lieutenant-Governor therefore hesitates to pass any orders on his present letter.

2. But if, on getting this answer, you are satisfied that a smaller party than is now in Pubna will suffice, and that the rest of the men will be more useful elsewhere, the Lieutenant-Governor leaves it to you to make such arrangements as may appear best.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 119Ct., dated the 3rd May 1860.)

SIR,

I HAVE the honor to submit, for the orders of the Lieutenant-Governor, the accompanying copy of letter No. 122, dated 1st May, from the Magistrate of Nuddea, with enclosure, to my address.

2. The circumstances of the case appear to be as follows.

3. Mr. Bainbridge, the Magistrate of Pubna, went to Pasuttee to enquire into "the combination" among the Ryots of the Bamundee and other Factories against Indigo. Mr. Bainbridge there learnt from a Deputy Magistrate who had been some days on the spot, that the Kurreempore Darogah, a Police Officer subordinate to this Division, was at the bottom of the whole matter. He therefore had the Darogah arrested, though he was then out of the limits of the Pubna jurisdiction and within the limits of his own Thannah of Kurreempore, and forwarded him under charge of two Sepoys to the Deputy Magistrate of that Sub-Division, who was in Camp some miles distant.

4. I have nothing before me which would afford any information on or explanation of the very unusual proceedings of the Magistrate of Pubna in this matter; but I beg to mention that the Darogah was only transferred to the Kurreempore Thannah in March last, and must therefore have found very few opportunities, even if he had been so inclined, of making such misrepresentations of the nature alleged by Mr. Bainbridge.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. 122, dated the 1st May 1860.)

SIR,

I HAVE the honor to forward herewith a copy of a letter from Mr. Platts, the Deputy Magistrate of Kurreempore, reporting that the

Magistrate of Pubna has arrested the Darogah of Kurreempore Thannah, within the limits of his own Thannah, on the charge alleged in the enclosed copy of his letter.

2. I request that the Magistrate of Pubna may be called on to explain the grounds of his exceeding the limits of his own jurisdiction.

3. The Deputy Magistrate informs me that he had already sent out orders for the suspension of the Darogah, who is now under trial at Kurreempore.

From F. T. PLATTS, ESQ., Deputy Magistrate of Kurreempore, to the Magistrate of Nuddea,—(No. 78, dated the 27th April 1860.)

SIR,

I HAVE the honor to bring to your notice that the Darogah of Thannah Kurreempore, Modoosoodun Sikdar, was arrested by the Officiating Magistrate of Pubna, within the limits of *my* jurisdiction, and forwarded to me yesterday under a guard of Sepoys with the accompanying letter, which I send in original.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Deputy Magistrate in charge of Kurreempore.

SIR,

I HAVE to-day arrived at Pasuttee in the Bamundee Concern to enquire into the combination among the Ryots of this and other Factories against Indigo disaffection, which has shown itself stronger here than in other parts of the Pubna District.

A Deputy Magistrate, Wasifoodeen Khan, has been some days on the spot, engaged with cases under the new Act and in explaining the intentions of Government to the Ryots. I learn from him that after mature consideration he has no doubt whatever that the Kurreempore Darogah is at the bottom of the whole matter, and that his misrepresentations are greatly the cause of the combination. I have therefore arrested him and send him in herewith to you under a guard of two Sepoys. I would suggest your investigating the matter yourself.

Wasifoodeen Khan, after concluding the cases he has in hand, will investigate his proceedings in this District. He has constantly crossed the boundary; he says he has little doubt it will be proved, and that there is no chance of a settlement until this Darogah is removed from the neighbourhood.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Rajshahye Division,—(No. 2226, dated the 5th May 1860.)

SIR,

I AM directed to forward to you the accompanying copy of a letter* from the Officiating Commissioner of Nuddea, and of its enclosures, and to request that you will be so good as to call on Mr. Bainbridge, the Officiating Magistrate of Pubna, to explain why he arrested the Darogah of the Kurreempore Thannah beyond the limits of the Pubna jurisdiction.

* No. 119Ct., dated 3rd instant.

2. The Lieutenant-Governor does not doubt that Mr. Bainbridge acted in the matter as he thought best for the Public Service under existing exigencies; and that the Darogah, if guilty of inducing Ryots who have taken advances not to fulfil their contracts, deserves heavy punishment; but an explanation is due to the Officers with whose jurisdiction Mr. Bainbridge's act interfered.

3. Mr. Bainbridge should also be directed to explain the grounds on which, in his letter to the Deputy Magistrate of Kurreempore, he used the expression "disaffection has shown itself." It is of course wrong to break a Civil contract wilfully, and more wrong to combine with a number of others to do the same, but no amount of such misconduct in private transactions can, in any sense, be called "disaffection." If the Officiating Magistrate had grounds for making so very grave a report, he should have set forth his grounds for the information of Government fully; either in a confidential or public communication.

4. If he used the expression loosely and improperly, he should be warned against the dangerous confusion of ideas, which could alone have made such a mistake of expression possible.

From H. M. REID, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 838, dated the 22nd May 1860.)

SIR,

I HAVE the honor the acknowledge the receipt of your letter No. 2226, dated the 5th instant, with its enclosures, and with reference thereto, I beg to submit for the information of the Lieutenant-Governor copy of a letter from the Officiating Magistrate of Pubna, No. 269,

dated the 15th instant, furnishing the explanation called for from him on the two points adverted to in your communication under reply.

2. It appears from the Vernacular Record of the case that on the 22nd April, a petition was presented to Deputy Magistrate Wasifoodeen by one Ramjoy Biswas, a Gomashtah of Parsuttee Factory in Pubna, stating that the Ryots of the Factory, and of the Ghazeepore Factory, were prevented from coming to an amicable settlement of their disputes with the Indigo Planter, owing to the interference of Mudoosoodun Sikdar, the Darogah of Thannah Kurreempore, who had located himself at the Village of Jeladingee in Nuddea, at a distance of about one mile from the spot, Aria, where the Deputy Magistrate was at the time encamped.

3. The Deputy Magistrate finding the averments of the petition to be borne out by other circumstances which had previously come to his notice, at once (on the 22nd April,) dispatched the original petition to the Deputy Magistrate of Kurreempore, with a request that appropriate enquiry might be made regarding the Darogah's conduct, and that orders might be passed thereon, and that the Darogah might, at any rate, be temporarily removed to some other locality. This appears to have been the state of affairs when Mr. Bainbridge reached the Deputy Magistrate's Camp on the 24th April, and finding them to be so, and that there was a strong combination amongst the Ryots to refuse to sow, and as no intimation had been received up to that time from the Deputy Magistrate of Kurreempore in reply to Moulavee Wasifoodeen's communication, he thought it for the best at once to arrest the Darogah, (although the latter was at the time out of his jurisdiction,) and to send him in custody to the Deputy Magistrate of Kurreempore.

4. In doing so, there can be no doubt that Mr. Bainbridge exceeded his authority. He himself admits that he did so, but he pleads the urgency of the case, and that he had every reason to suppose that the charges laid against the Darogah were true ones. Under the circumstances detailed, I trust that due allowance may be made for Mr. Bainbridge having exceeded his authority on the occasion referred to, and that the prompt and energetic manner in which he acted may be attributed to the desire he must naturally have felt to allay the excited feelings of the Ryots, and to prevent recourse being had to violence.

5. Before leaving this part of the subject, I would observe that it appears from Mr. Herschel's letter that the Deputy Magistrate of

Kurreempore had already sent out orders for the suspension of the Darogah. No date is given as to when he sent them out, but I understand from Mr. Herschel's 3rd paragraph that they were issued prior to the Darogah being brought in arrest to the Deputy Magistrate, but at any rate, I think the Deputy Magistrate of Kurreempore should have sent some intimation of what he was doing, or intended to do in the matter, to his brother Deputy Magistrate at Aria, but there is nothing in the correspondence to show that he did so.

6. On the second point, *viz.*, the use of the word "disaffection" I am of opinion that the explanation is quite satisfactory. Mr. Bainbridge explains that in using the above word, he never intended to infer that disaffection of the kind generally implied by that word, that is to say, that any disloyalty or hostility to the Government had been shewn on the part of the Ryots, but that they had exhibited "a dislike to" sow Indigo. The context, I think, shows that it was Mr. Bainbridge's intention to use the word only in the latter sense. Had Mr. Bainbridge been writing in a less hurried manner, and under less untoward circumstances than those explained by him, he would no doubt have chosen some other word in preference to disaffection, though I would venture with deference to remark that some Lexicographers allow it to be used in the sense in which Mr. Bainbridge meant it.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to H. M. REID, ESQ., Commissioner of the Rajshahye Division,—(No. 269, dated the 15th May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 744, with enclosures, and to furnish my explanation on the points alluded to as under.

2. I arrived at Aria where Wasifoodeen Khan, Deputy Magistrate, was holding Cutcherry on the 24th of April.

3. I found him in the act of sending the enclosed Roobookarree to me by express.

4. The Deputy Magistrate represented that the Kurreempore Darogah was, and had been about a month previous to his (the Deputy Magistrate's) arrival at Jeladingee, a Village of Nuddea, about a mile from Aria.

5. That shortly after arriving he had suspected the Darogah; that his suspicions had been confirmed up to date by general report, by complaint, and his own observation.

6. That the Ryots of Jeladingee, the leading Village in the Jote, and of all the other Villages belonging to Pársuttee and Ghazeepore Factories, against whom cases were pending before him, after hearing his orders and advice immediately repaired to Jeladingee returning with new and significant objections and excuses, that it was generally reported, and also from trustworthy sources, that the Darogah gave out that he was in communication with a brother, a Deputy Magistrate in Calcutta, well acquainted with the law, and the real wishes of Government, and that if the Ryots paid for, and strictly followed his (the Darogah's) advice, they need sow no more Indigo.

7. A bargain had been made for 300 Rupees, of which Rupees 125 had been made.

8. In short the Deputy Magistrate expressed his conviction that the Darogah had been, and was misinterpreting the law and intentions of Government, and inducing the Ryots to break their contracts; that the impunity he enjoyed had been productive of great mischief, and that, without the Darogah's removal, any settlement by conciliation and reasoning on his part was hopeless. He added that he had already informed the Deputy Magistrate of Kurreempore of the state of affairs and requested the Darogah's removal, but without reply or result up to date, though he had taken measures to ensure the arrival of his request on the day sent (Mr. Kenny here rode in and confirmed his statement,) the Deputy Magistrate's Roobookarree was read.

9. There were numbers of interested Ryots and principals in the pending cases by watching the result. I enquired the standing and character of the Darogah, and was informed that he was a 3rd grade Officer and a drunkard. To doubt an old and valuable Officer like Wasifoodeen Khan, who had had ample time to judge, was unworthy. The combination in the neighbourhood was resolute and obstinate, and Government had been authoritatively and grossly misrepresented. I had just arrived on the spot—to do nothing, or no more than my Subordinate had already done, would have had an injurious effect. I considered that in the exigency much depended upon immediate and decisive action, and I determined to remove the Darogah.

10. The Naib Darogah of my own Thannah was sent for and ordered to go to Jeladingee and call the Darogah, and if he would not come to bring him.

11. In about half an hour the Darogah appeared with the Naib Darogah, and denied the whole affairs. I saw by his manner that he would not go immediately to Kurreempore without compulsion, and accordingly sent him in charge of two Sepoys, with the copy of Rooboo-karree enclosed, and the English letter, a copy of which has been sent me.

12. On the same day I wrote to Mr. Herschel demi-officially reporting the arrest, informing him that I had acted on Wasifoodeen Khan, Deputy Magistrate's report, and I think requesting him to send the Kurreempore Officer out at once. I have no copy of this letter; he replied that Mr. Platts was on the point of suspending the Darogah for his suspicious conduct.

13. All the papers connected with the affair in this Office are enclosed herewith, together with a copy of Wasifoodeen Khan, Deputy Magistrate's final report of the result of his efforts, sent in on leaving Parsuttee.

14. As to the second point, I had no grounds for using the word in the sense understood. Its presence in my letter surprised me. I regret the abuse of terms, nothing more than disaffection to Indigo was meant. I may urge that this letter was not intended by me to represent my act to Government.

15. It was written hurriedly on my knee, where I dismounted, with country pen and paper for the information of the Deputy Magistrate, whom I would have addressed by name had I known it.

16. I understood that he was only two hours' ride off and confidently expected that after hearing both from the Deputy Magistrate Wasifoodeen Khan and myself and finding the Darogah arrested, he would come and investigate the matter and call upon me to state fully the reasons for my unusual proceeding. I heard nothing until Mr. Herschel wrote to me that I was reported to Government.

17. Doubtless pressing duties prevented Mr. Platts coming, in which case I wish he had written.

18. I had no wish to be discourteous, and would never have interfered with his jurisdiction, had I not thought the service required it.

19. It did not follow that because my proceeding was irregular, it was necessarily wrong. It behoved the Kurreempore Deputy Magistrate

to examine so grave and unusual a charge against his Officer at once, and give my Subordinate every opportunity of justifying himself and me; report might have followed on failure.

20. I trust any investigation that may now take place will include Mr. Tripp's, Mr. Kenny's and Wasifoodeen Khan, Deputy Magistrate's depositions.

21. It is much to be regretted that none took place while the Deputy Magistrate was on the spot, ready and able to prove his allegation.

From A. R. YOUNG, Esq, Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2763, dated the 28th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 838, dated the 22nd instant, with its enclosure, from the Officiating Magistrate of Pubna.

2. Under the circumstances explained, the Lieutenant-Governor entirely approves of the proceedings taken by Mr. Bainbridge against the Darogah of the Kurreempore Thannah.

3. As regards Mr. Bainbridge's explanation on the second point, *viz.*, the use of the word "disaffection," the Lieutenant-Governor is very glad that there was no "disaffection" in the sense which the word bears in all Official correspondence. The Lieutenant-Governor has no doubt that you and Mr. Bainbridge will perceive, on consideration, that the objection to the use of such a word, on such an occasion, is very far from being a mere verbal criticism. It is impossible to keep too carefully in mind always the true relative positions of Government and of both parties in the unfortunate dispute now agitating the Indigo Districts.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2794, dated the 28th May 1860.)

SIR,

WITH reference to your letter No. 119Ct., dated the 3rd instant, I am directed to forward to you a copy of the papers noted in the margin, and to state that, under the circumstances therein explained, the Lieutenant-Governor entirely approves of the pro-

Paragraphs 1 to 5 of a letter from the Commissioner of Rajshahye, No. 838, dated 22nd instant.
Extract from a letter from Mr. Bainbridge to the Commissioner, No. 269, dated 15th instant.

ceedings of Mr. Bainbridge against the Darogah of the Kurreempore Thannah.

From F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 681, dated the 30th April 1860.)

SIR,

I HAVE the honor to forward, for the Lieutenant-Governor's perusal, copies two communications, dated the 26th and 28th instant, from the Officiating Magistrate of Pubna, reporting the state of matters in that District.

2. It is satisfactory to find that the Ryots of certain Villages in the neighbourhood of Meerpore, who had shewn a marked spirit of opposition, have, by the judicious measures of Mr. Bainbridge and the Deputy Magistrate Moonshee Wasifooddeen, been led to agree to fulfil their engagements, and had commenced to sow their land. Similar results appear to have been brought about by the Native Deputy Magistrate who was deputed to Nazirgunge.

3. Mr. Man, one of the European Deputy Magistrates sent down from Patna by Mr. Fergusson, arrived here yesterday evening, and has gone on in the Steamer to Comercolly. I have informed Mr. Bainbridge that he may be stationed in the South-east part of the District, near the scene of the late disturbances, where a check is required on the proceedings of the Indigo Planter, Mr. Durand, who appears to be acting in a very unfair and oppressive manner towards the Ryots.

4. The removal of the Kurreempore Darogah, who was inciting the Ryots to combine, appears to have had a very good effect; on the whole there does not appear to be ground for anticipating further disturbance connected with the Indigo cultivation in this Division, which is a gratifying fact for me to announce on the eve of making over charge of this Office to my successor.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division,—(dated the 26th April 1860.)

MY DEAR SIR,

I HAD nothing of any moment to report yesterday, and have received no Dâk from Pubna. There seems to be a sort of passive

resistance here, extremely difficult to deal with, the Ryots refusing point blank to sow, and saying, "prove your case and put us in Jail."

I think wholesale punishment injudicious, if it can be possibly avoided; it serves only to harden the feeling of disaffection and bind the combination.

The measures adopted by Wasifoodeen have been most judicious, though too slow.

Both yesterday and to-day I have endeavoured with him to bring about a more reasonable view. Some of the Villages have come round and sown their lands. There are still some 300 Beegahs within this District unsown; these belong to the leading Villages in the jote. I have had many of the Ryots and their headmen here for nearly two days.

This morning I asked them for a final answer. They refused point blank to sow, but admitted their liability.

I therefore punished four of the leaders in the presence of the others, under Sections II. and V.

On this the remainder, after great persuasion, consented to sow their lands and fulfil their contract if their headmen were released.

As the alternative clearly lay between punishing some hundred men and convicting, I acquiesced. The object of the Act is rather to get the contracts carried out than punish.

On the arrangement being made known to the Prisoners, they at once refused to agree and ordered the Villagers to go to Jail with them.

Eventually, however, they consented, and have all gone off with the Deputy Magistrate, their Mahajun, and the Factory Amlah, to the maidan to sow their lands. Whether they will or not remains to be seen. If these Factories sow while all those within the Kishnaghur line are nearly closed, the Deputy Magistrate will deserve great praise, which will, I trust, not be withheld. I have done little but kept him from smoking his hookah and the Police active. News has arrived that Mr. Tayler has been removed, whether for punishing too much or what I know not; but the Ryots believe so, which has not made matters here more easy.

I shall return to Pubna this evening if possible, or if not the first thing to-morrow.

If the Ryots do not sow now, they will not, and Wasifoodeen can try the cases and punish as well as I can.

The number 417 in my letter was meant for forty-seven. I forgot to mention this.

Neither Lieutenant Reeves nor Lieutenant Davies are required at Pubna, unless it is desirable to keep a large body of men in this neighbourhood. As a precautionary measure, I trust you will send them some orders.

If their return depends upon me, I shall send them back on reaching Pubna.

I have not heard from you since the 19th; your letter of the 18th and 19th arrived together.

Mr. Harris will return at Comercolly the moment I return.

I omitted to mention that a Village, which consented to sow in my presence on the day I arrived, and went off to do so, started the same night, half to Pubna and half to Kurreempore, to complain.

Several Villages within Kishnaghur have gone in bodily with the arrested Darogah to Kurreempore to see what orders are passed.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to F. GOULDSBURY, ESQ., Commissioner of the Rajshahye Division,—(dated the 28th April 1860.)

MY DEAR SIR,

I RETURNED to Pubna yesterday and found everything quiet. The Deputy Magistrate reports from Nazirgunge, April 25th, that matters are settled.

I left the Ryots in Parsuttee and Ghazeepore sowing, and promising to fulfil their engagements.

The Deputy Magistrate slept in the chief Villages the night before I left, and came to me in the morning to report that the Villagers had begun to sow as agreed. I thought it unnecessary for me to stay longer; he will remain and see the matter out.

The removal of the Darogah of Kurreempore appears to have had a good effect. Several of the Villages which promised to sow are in Nuddea.

This morning I sent for the Sadeepore Baboos, the Zemindars of these parts; they are both in Pubna, and doubtless at the bottom of the combination. They have consented to go out to the Deputy Magistrate's Camp this evening and do their best to assist and settle matters finally. A word from them would at once decide the whole thing.

Mr. Harris goes to Comercolly the first thing to-morrow. I have arranged to send him twenty more of the Police, which will make the number at Comercolly fifty.

I shall probably get him to go to Jungal and hold Office in the neighbourhood, now that the Villagers are returning. This will expedite the arrest of the remaining defendants, and be a check on Mr. Durand. When I left he was sowing the Dhan lands down in Indigo.

I remonstrated against this short-sighted and unfair proceeding. Harris tells me he has written an intemperate answer which I have not yet seen.

Lieutenant Reeves has not arrived here. Men are not wanted, and the Sowars cause endless complaints. No grass can be got without cutting Indigo. I believe Mr. Lingham goes to Calcutta on Sunday.

P. S.—Please send a copy of my Report in the Jungal case for record in this Office. I sent you the original to save time; and Mr. Lingham requests a copy.

No. 2212.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

A. R. YOUNG,

Secretary to the Government of Bengal.

FORT WILLIAM,
The 5th May 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2167, dated the 4th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your predecessor's letter No. 681, dated the 31st ultimo, enclosing copies of two Reports from the Officiating Magistrate of Pubna on the state of affairs in that District, which the Lieutenant-Governor is glad to find is very satisfactory.

2. The Lieutenant-Governor desires that you will be so good as to instruct the Magistrates of your Division to make a point of explaining to the Ryots that fulfilling a contract this year leaves them quite free to contract or not, as they please, next year, and that meanwhile the proposed Commission will sit, and laws fair for all parties will be made. But if they break their engagements, and have consequently their property sold and are sent to prison, they will be in a worse position next year than they are in now.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 755, dated the 10th May 1860.)

SIR,

I HAVE the honor to submit, for the information of His Honor the Lieutenant-Governor, copies of two demi-official letters from the Officiating Magistrate of Pubna, dated the 30th ultimo and 4th instant, from which it will be observed that the District is generally quiet, and that the Ryots have sown their Indigo as agreed upon. It is also satisfactory to note that Hazaree Biswas has been arrested.

2. The plan determined upon by Mr. Bainbridge of deputing Mr. Harris to Jungal for the purpose of the tranquilization of the Ryots in that neighbourhood, and bringing to justice the parties concerned in the attack on Mr. Lingham, appears to have been a good one, but it seems to have been frustrated owing to the measures concerted by Mr. Harris for carrying it out having been defective. As anticipated by Mr. Bainbridge, the Ryots, who had begun to return to the Village, immediately deserted it again on seeing the Military approaching it.

3. I have approved of the Magistrate offering suitable rewards for such information as may lead to the conviction of the persons who were concerned in the attack on Mr. Lingham and his party.

4. Mr. Bainbridge has been instructed to retain Captain Reeves, Lieutenant Davies, and the Troops under them, in the Pubna District, until receipt of further orders from this Office, which I shall send to him in a few days after hearing from him definitely as to whether their services are likely to be required in that locality.

5. Mr. Man, Deputy Magistrate, has, it will be observed, already joined the District, and the Magistrate sent him to the Comercolly

Sub-Division to take up Indigo cases in concert with the Assistant in charge, Mr. Harris. I have pointed out to Mr. Bainbridge that Mr. Man has been invested with the full powers of a Magistrate under the Indigo Contract Act.

6. Mr. Deputy Magistrate H. Davies passed through this Station *en route* to Pubna on the 7th instant. He seems to be an Officer of experience, and I trust he will be found useful in tranquilizing matters. I have authorized Mr. Bainbridge to employ his services in whatever part of the District he may think they may be likely to be most useful. I am of opinion that the proposition to invest one of the Deputy Magistrates with concurrent jurisdiction in the Districts of Pubna and Nuddea had better not be carried out. It would place the Deputy Magistrate under two separate Magistrates and two separate Commissioners, and might possibly bring him into the position of having to obey conflicting orders.

7. I have authorized the Magistrate to call into the Sudder Station such one of the three Deputy Magistrates as he may think proper, for the purpose of aiding him in clearing his Office files, the business upon which, he reports, has greatly accumulated of late.

No. 2633.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM, *The 21st May* 1860. } *Under-Secretary to the Government of Bengal.*

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to H. M. REID, ESQ., Commissioner of the Rajshahye Division,—(dated the 30th April 1860.)

MY DEAR SIR,

LIEUTENANT REEVES arrived last night, perhaps you will kindly send orders to him and Lieutenant Davis that the District is quiet and their presence unnecessary.

Mr. Kenny wrote yesterday from Parsullee, that the Ryots within this District had sown as agreed, and that things were looking better; the Nuddea Villages had not sown.

Harris went to Comercolly yesterday. I had directed him, as the Police reports from Jungal were that the Villagers were returning to proceed there, to hold Cutcherry near the place for the present, expedite the arrest of Hazaree Biswas and Dataram Mondol, and confront all the Villagers with Mr. Durand and the witnesses, in hopes of their being able to identify the men who struck Mr. Lingham and wounded the Sepoys.

Mr. Durand wrote after Harris' departure that the Villagers *had* returned; that the Darogah did nothing, encouraged them to drive his people out of the Village; that they threatened to attack and murder his people and himself and that Sepoys were necessary. I wrote to Harris to ride down at once and ascertain the state of affairs. I enclosed the letter. I do not believe any act of aggression or further violence likely, unless Mr. Durand sends men to sow Indigo.

There are eighty men under the Lieutenant at Comercolly, who will be prepared to follow Harris if occasion requires; they could march down in twelve hours.

I recommended him to go without the men at first; the Villagers will again desert the moment they appear illegible. Mr. Durand's object is to keep them from returning to sow their Dhan.

Harris will take up the Indigo dispute and endeavour to settle it. I have sent the first-grade Town Darogah to help him, the latter started this morning the first thing; both Harris and he should be there to-day.

Harris will write me word at once. The Villagers doubtless all deserve arrest at once, and with the Sowars they might be surrounded and arrested bodily, but this step would create fatal confusion at the Sessions.

Hazaree Biswas has just been sent in. The Baboos whom I mentioned in my last as having promised to go out and settle matters on the Nuddea line haye not gone.

Their excuses are frivolous and their persevering presence here significant. I have little doubt that Mr. Kenny is right in suspecting that they pull the strings of the movement down there.

From A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to H. M. REID, Esq., Commissioner of the Rajshahye Division,—(dated the 30th April 1860.)

MY DEAR SIR,

THE District is generally quiet. Mr. Harris reports* that he reached Jungal on Tuesday about 12 A. M.

* This morning.

He appears to have missed his road, owing to which the Police, whom he had ordered to march and intended to stop if not required, arrived before or with him.

The result is, as I expected, that the Villagers have again all deserted.

Anticipating this, and feeling sure that no violence was to be expected, I requested him not to take the Police.

He will not now be able to confront the Villagers with the witnesses or arrange their quarrel with Mr. Durand until they come back.

I have therefore directed him to offer rewards of Rupees fifty and a chuprass in each case, to any one who will give up the names of the rioters who speared the Sepoy and struck Mr. Lingham to be paid on conviction, and in the event of a defendant being informer a pardon conditional on his not being a principal.

The neighbouring landlords have also been warned not to harbour these Villagers.

Mr. Deputy Magistrate Man reported himself yesterday. He will proceed to Jungal and remain in the neighbourhood with a Police party as you direct.

I would recommend his being vested with powers under the Indigo Act if he is to remain ; his presence for the present is desirable, though I do not anticipate that he will have much to do.

I shall request him to prepare any case under the Indigo Act and send them to Mr. Harris for orders ; to endeavour to arrange matters between these Villages and Mr. Durand ; superintend the Police located there ; and take up any miscellaneous petitions that may be presented until further orders.

Mr. Davies' services are not required to the best of my judgment, if he comes I shall send him to the neighbourhood of Meerpore, South-West part of the District, on the borders of Nuddea.

When I left the Ryots were sowing, but had not weeded the October crop, which was choked with jungle.

There is probability of work there under the Act, but, as far as this District is concerned, not of more than Deputy Magistrate Wasifoodeen can do.

Mr. Davies would only enable me to recall Wasifoodeen to assist in clearing off the work of the Station which has greatly accumulated. I may remark that, on the Nuddea side of the boundary, none of the Ryots had sown; if Mr. Davies' jurisdiction, in the event of his coming, were extended to Nuddea also, he would doubtless be fully employed.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2474, dated the 14th May 1860.)

SIR,

I AM directed by the Lieutenant-Governor to acknowledge the receipt of your letter No. 755, dated the 10th instant, and to inform you in reply that the Reports therewith submitted, from the Officiating Magistrate of Pubna, on the improved state of affairs in his District and on the fulfilment of their contracts by the Ryots, are satisfactory.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 768, dated the 11th May 1860.)

SIR,

I HAVE the honor to submit, for the information of His Honor the Lieutenant-Governor, extract of a demi-official letter from the Officiating Magistrate of Pubna to my address, dated the 8th instant, reporting on the state of matters in his District up to the above date.

2. Mr. Bainbridge reports the occurrence of a disturbance, in which Mr. Stephenson, of the Dobracole Concern, whose servants had gone out to mark out the boundaries of the two annas' share of an Estate lately taken by him in lease, was assaulted, his horse pricked with a spear, and himself and his servants driven off the ground by the adherents (some 100 or 150 men) of the other co-sharers in the Estate. I have directed Mr. Bainbridge to furnish further particulars, and to mention especially the nature and extent of the injuries received, and also the name of the Village where the occurrence took place. The measures taken by Mr. Bainbridge for initiating an enquiry into the case appear to me to have

been energetic and appropriate, and I have informed him that I shall expect Mr. Harris, the Officer in charge of the Sub-Division of Comercolly, in which the occurrence took place, to follow them up in an equally prompt manner.

3. It is to be regretted that the complainant, Mr. Stephenson, should have taken the present inopportune period for entering on what appears from the Magistrate's letter to be a lease of a share in a joint undivided Estate, and that he should have proceeded to mark out the boundaries of the fields, and I think it not improbable that the resistance which he has met with must have resulted in some degree from his own imprudence in the affair.

4. Mr. Bainbridge also reports that there was some expectation of a disturbance in the Dilowree Concern, owing to the establishment of a new hât in opposition to that at Furreedpore belonging to Mr. Phillips, the owner of the above Concern. Mr. Phillips very properly at once applied to the Magistrate on the subject, and I trust and expect that the prompt measures taken by Mr. Bainbridge in the matter will prevent any actual disturbance taking place. This dispute would not appear to have any connection with the Indigo question.

5. The rest of the District appears to be quiet, and matters seem to be settling down. Moulvee Wasifoodeen, Deputy Magistrate, appears to be doing good service in the Meerpore direction.

6. I purpose in a day or two sending definite orders to the Magistrate about the future disposal of the Military at present employed in Pubna.

Extract of a demi-official letter from the Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 8th May 1860.)

My Dear Sir,

I received your letter of the 4th of May yesterday. I do not think the presence of so many Troops at Pubna required; if 200 of the Police Battalion, inclusive of the parties at Serajgunge and Comercolly, are left here for the next two months or so it will be sufficient. I have ordered the nearest Zemindars to keep their Elephants in the Station, and when they come shall be able to move a party of Foot if required almost as fast as the Cavalry would march.

The Deputy Magistrate at Meerpore reports matters settled, only eight beegahs in Pasulbee and ten in Meerpore remaining unsown; five Mouzahs in Pharee Noparra, Thannah Durrumpore, have been prosecuted by Mr. Hills; of these two had come round, the others had not appeared up to date; in the Nuddea line things were in *statu quo*. I yesterday received a copy of a petition from Mr. Stephenson, of Dobracole, which had been presented to Harris. It appears Mr. Stephenson's people went to Bansgharrie, a two annas' Estate which he has just taken; the adherents of the other partners, headed by two old gomashtas of his, turned out, some 100 and 150 strong, and drove them off: on Mr. Stephenson riding up to remonstrate they pricked his horse with a spear, threw a number at him and struck both him and the horse with lattees.

I trust Harris will take up this affair energetically. I wrote to him to take forty men with him to the spot and remain until he had arrested the ringleaders; but, as owing to his not writing, or bad messengers, I was not certain where he and party were. I sent Moulvie Mahomed out with directions to return when Mr. Harris came.

I have since heard from Harris that he will be on the spot this morning. He returned to Comercolly on Monday, having left "Man" at Jungal; his movements are not so rapid as they ought to be.

Mr. Man wrote me a scrap of a note without date yesterday, saying that he had arranged with Harris to leave fifty men between Comercolly and Jungal as their presence close at hand was not desirable. I sent an express immediately, telling him to join or send back the party to Comercolly instantly; if not wanted, the men were intended to be under his own eye; left alone they were sure to be in some scrape within twenty-four hours.

I wrote to Harris to the same effect, and I am glad to say my letter to the latter arrived in time to prevent the party again leaving Comercolly, where it appears they had arrived, having been sent away from Jungal by Harris on Friday. I find the place they were to remain at was Pungoa, as there is a Thannah and a Darogah there: this was not so bad as it looked; but as both agree that there is not the slightest necessity for a Force at Jungal, the men are better at Comercolly.

Mr. Phillips, of Dilowree, rode in yesterday morning to say that a hât had been set up at Gopalnugger in opposition to his hât at Furreedpore, and that there was every chance of a collision when his hât met to-day, as his opponents had stopped all the approaches.

I despatched the Nazir immediately with strict orders. Mr. Phillips returned this evening, he will arrive before the hât meets, and has promised me that his people shall avoid any collision to-day; that if the measures I have taken are not sufficient, he will let me know to-night, in which case Davis and some Sowars will be on the spot to-morrow morning.

I believe Indigo is at the bottom of Mr. Stephenson's case. Mr. Phillips' quarrel is on other grounds; my reason for proposing to send men is, that in the present state of feeling attempts at violence ought to be instantly checked; there is nothing else moving in the District.

The Nazir had instructions to arrest and send in the principals to be bound over to keep the peace within twenty-four hours, and warn all parties that, if there was the slightest disturbance, they would have Troops upon them in six hours.

No. 2482.

COPY forwarded to the Government of India, in the Home Department, for information.

By Order of the Lieutenant-Governor of Bengal,

A. R. YOUNG,

Secretary to the Government of Bengal.

FORT WILLIAM,
The 16th May 1860.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 813, dated the 18th May 1860.)

SIR,

IN continuation of my letter No. 755, dated the 10th instant, I have the honor to report, for the information of His Honor the Lieutenant-Governor, that matters in the Pubna District continue to progress satisfactorily as will be apparent from the annexed extracts from Mr. Bainbridge's demi-official letters to my address, dated the 10th and 13th instant.

2. It will be observed that the disputes between the Indigo Planters and the Ryots on the Meerpore side have been all adjusted by Deputy Magistrate Wasifoodeen, whom the Magistrate has now been enabled

to recall to the Sudder Station. The attack upon Mr. Stephenson, of Dobracole, appears to have been an unpremeditated one, and to have been attended with less serious results than at first reported. Mr. Bainbridge has taken effectual steps for preventing any disturbance relative to the rival hâts at Furreedpore. Mr. Man, Deputy Magistrate, is still encamped at Jungal, to which place the Ryots are returning, and I trust that the measures which are being taken for bringing to justice the perpetrators of the attack on Mr. Lingham and his party may now be brought to a satisfactory close. I have pointed out to the Magistrate the manner in which cases of sowing of Indigo in Paddy lands should be dealt with.

Extract of a demi-official letter from A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division, —(dated the 10th instant.)

I EXPECT Wasifoodeen back very shortly; he appears to have settled matters in the neighbourhood of Meerpore as regards this District, and I heard from Mr. Kenny last night that all the Villages of Amlah within the Nuddea line, with the exception of Sudderpore, had promised to do their work as usual, provided they were let off their spring sowings, to which the Factory had agreed.

The pench at Sudderpore is about manufacturing Coolies. I have sent for the Baboos again, and abused them well; they promise to arrange this. As regards the hâl affair at Diloniee, the Nazir reports all quiet; the head man has put in his answer, and another principal has come in, and I have heard no more from Mr. Phillips.

Harris wrote last night that he had been to Mr. Stephenson's and taken his deposition and those of his witnesses; he went back to Comercolly, but will return and remain on the spot until matters are in a satisfactory state.

Mr. Man reports this morning that he is holding Cutcherry in the Village of Jungal; that the inhabitants are returning and very quiet.

There are a number of cases against the Factory for sowing Indigo in the Paddy lands. There are many of them true, and he wants to know how he is to try them. I shall tell him to decide them under Act IV., and refer the Plaintiffs to the Civil Court for damages; can he not fine in such a case for the violent trespass?

The Chowkeydar of Jungal, a Prisoner in the riot case, sent to say that he wished to confess the other day, but, on my going, said he had nothing to say; he had previously revealed the names of the men who struck Lingham, speared the Sepoy, and carried off his body, to the Peshkar and Jailor, of which I made use.

Yesterday he and three others again made the same statement before me, mentioning the names as before, and saying that the Sepoy's body was taken to Balleacandee by the Chowdries and burnt the same night.

Their confessions are but half statements, and they have all given their answers, and repeatedly refused to make any other statement.

I have therefore thought it best not to record them, if they repeat it at the Sessions, well!

Meantime I have supplied the 1st Grade Darogah with the information, directing him to act on it, arrest the men, and if, now that the Villagers are returning, corroborative proof be forthcoming, to send it up.

The Chowkeydar further states that three more men, whom he names, were wounded.

Wasifoodeen has just requested permission to return, as matters are quite settled where he is.

Now that Meerpore is settled there are not above half a dozen cases pending, except at Jungal.

Extract of a letter from A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 13th instant.)

I HAVE nothing fresh to report as regards the peace of the District.

Mr. Stephenson's case occurred at a Village called Palpara, about two miles from Dobracole. There were no marks of blows on his person, his coat was torn, and his horse speared slightly in the rump.

Mr. Harris looks upon it as an ordinary disturbance, not premeditated against Mr. Stephenson individually.

There are several shareholders in the Village; two of them discharged servants of Mr. Stephenson's, with whom he has a quarrel, one of the partners has made over his two annas' share to the Factory, and on their going to take possession, the other partners and Villagers turned out to oppose them. Mr. Stephenson appears to have ridden up accidentally, and does not seem to have had any armed men on this occasion, though

both sides have been keeping Lattials. The leading Defendants have not been arrested.

Wasifoodeen, Deputy Magistrate, returned from Meerpore yesterday; he reports everything settled.

Mr. Phillips' opponents in the hâl affair have on the strength of his disposition been bound over to keep the peace.

Mr. Man reports the Villagers of Jungal returned and quite quiet; he hopes to compromise all the cases with the Factory on Friday, the 11th.

There is every reason to believe we shall go on quietly until next October. There are not a dozen cases under the Act pending in the Station.

I beg also to annex extracts, paragraphs 2 to 4, of a letter from the Officiating Magistrate of Moorshedabad, dated the 12th instant, No. 475, reporting every thing quiet in his District, with the exception of at Kalapanee Village in the Jungypore Sub-Division, where some excitement still exists. Nothing definite has as yet been ascertained relative to the party or parties who set fire to the Radakissenpore Indigo Factory, but suspicion rests on a person of having been implicated, and further enquiries are being made into the matter.

Mr. Skipwith Tayler, the Officiating Magistrate of Maldah, reports to me demi-officially to the following satisfactory effect under date 14th instant—"I am happy to be able to report that matters are at present quite quiet in this District, and have already begun to assume a more cheerful aspect. Rain has fallen plentifully in several places, and Indigo is being *sown*." Mr. Tayler further mentions that the Buckrabad case is still under trial, but that he hopes to complete it in a few days.

P. S.—Since writing the above I have received a letter from Mr. Bainbridge, dated the 17th instant, reporting that there has been a disturbance at Meerpore since Deputy Magistrate Wasifoodeen left that quarter. Mr. Bainbridge expects that the disturbance will, on enquiry, turn out to have been one of an ordinary character, and that the first reports regarding it are probably exaggerated. He further thinks that it will be found to be unconnected with Indigo sowings, and to have originated from an endeavour of Mr. Ferrier, a Planter, to obtain renewal of the farming lease of some Villages, which was held by the Factory and has lately expired. Mr. Bainbridge has deputed Mr. Deputy Magistrate Davies to the spot with proper instructions, and Lieutenant Davies with a party of the Light Horse will be at a convenient distance from the spot to co-operate, if necessary. Further particulars will follow.

Extract, paragraphs 2 to 4, of a letter from the Officiating Magistrate of Moorshedabad, to the Commissioner of the Rajshahye Division,—(No. 475, dated the 12th May 1860.)

PARA. 2. There have been no reports of any quarrels during the week. Mr. Furrell writes to me from Dhoolian that all is quiet in that part of the country except at Kalapanee, where some excitement still prevails among the Ryots, and where it appears a conviction for intimidation has been obtained.

3. With regard to the fire at the Radhakistopore Factory, the Police of course have failed to find out anything, but Mr. Hedger, of Tuttipore, has written to me on the subject naming a man whom he suspects, and enquiries are being made. Should anything result I will let you know.

4. I heard during the week from Kurreempore that a Zemindar, Nobokisto Mookerjea, of Meherpore, Nuddea, but who lives here, had been sending letters urging the Ryots to hold out. I have written to the Deputy Magistrate of Kurreempore to try and obtain proof of this, and I sent for the man himself (who of course denies the charge indignantly,) and warned him that if he did such a thing it would be pretty sure to come to my hearing and then his fate was settled, so I hope even if the report were true I may have prevented his continuing the practice.

No. 2929.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

H. BELL,

FORT WILLIAM, *The 31st May 1860.* } *Under-Secretary to the Government of Bengal.*

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 846, dated the 23rd May 1860.)

SIR,

IN continuation of the Postscript of my letter to your address, No. 813, dated the 18th instant, I have the honor to report that I have,

since its despatch, received two communications of the 18th and 19th, from the Officiating Magistrate of Pubna, which tend to confirm the opinion expressed by that Officer in his first communication, to the effect that the disturbance reported upon was one of a slight character, and not immediately connected with the cultivation of Indigo.

2. Mr. Davies, Deputy Magistrate, reached the spot early on the morning of the 17th, and on the following day, after having made some necessary enquiries on the subject, he reported that the case appeared to have been exaggerated; that he had seen the remains of some houses which were said to have been set on fire by the plunderers, but that he could not up to that time arrive at any definite opinion about the charge. He further reported that the large bodies of men who Mr. Ferrier, the Indigo Planter, had stated were wandering about with intent unknown, had disappeared. Mr. Davies thought it proper in case of accidents to call upon the Magistrate for the aid of thirty of the Police in lieu of the thirty Horse who had at first been placed at his disposal by Mr. Bainbridge.

3. There was one man slightly wounded brought in to the Magistrate at Pubna, shortly after the intelligence of the first disturbance first reached him.

4. I have no further report since the 19th, and in the absence of any have every reason to conclude that the dispute originated in the manner supposed by Mr. Bainbridge, as before reported on, *viz.*, in consequence of an attempt on the part of Mr. Ferrier to obtain the renewal of a lease which the Factory had just lost; further that the disturbance has been a slight one, and that it has not been followed up by any other acts of violence beyond those which took place at first, and the extent of which latter cannot at present be clearly ascertained.

No. 2928.

COPY forwarded for the information of the Government of India, in the Home Department.

By Order of the Lieutenant-Governor of Bengal,

FORT WILLIAM,
The 31st May 1860.

H. BELL,
Under-Secretary to the Government of Bengal.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 2827, dated the 28th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 846, dated the 23rd instant, submitting a further report of the disturbance at Meerpore, confirming the opinion expressed in the Postscript to your previous letter No. 813, dated the 18th idem, that the affair was of a slight character and not immediately connected with the cultivation of Indigo.

2. In reply I am directed to inform you that the Lieutenant-Governor considers your report of the case to be satisfactory.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 899, dated the 2nd June 1860.)

SIR,

I HAVE the honor to annex, for the information of His Honor the Lieutenant-Governor of Bengal, Extracts from two demi-official communications, from the Officiating Magistrate of Pubna, dated the 25th and 28th ultimo, giving details of further occurrences which have recently taken place in the Village of Jungal, and of the manner in which some of the parties concerned in them have been dealt with by himself and Mr. Deputy Magistrate Man.

2. It appears that the latter Officer had gone into Pubna to see the Magistrate, and that during his absence from Jungal, a fire broke out in that Village, (in what manner it was caused is not apparent,) and that the Ryots of Mr. Durand's Villages took the opportunity of plundering the houses of the Jungal Villagers, most of whom are either in prison, or have temporarily deserted the Village. Mr. Man returning unexpectedly, found the act of plundering going on, and at once chased the retreating plunderers, and arresting four or five of them, convicted them summarily. The same night there was the rumour of a serious disturbance being about to take place in Jungal, owing to the Jungal Villagers having carried off some of the Factory Cattle which had been grazing on their crops, but no actual disturbance would seem to have taken place, the Deputy Magistrate being on the look-out. Mr. Bainbridge rode

down to Jungal with all despatch, and bound down both the Messrs. Durand to keep the peace.

3. I have authorized Mr. Bainbridge, in anticipation of receipt of further orders, to employ a Jemadar and five Burkundauzes for six months, as a special Police Force, to preserve order at Jungal. I have requested him to report officially for sanction, and when he does so, I will submit a further report on the subject.

4. I have to express my great satisfaction at the prompt and decisive manner in which the occurrences detailed above have been dealt with by Messrs. Bainbridge and Man.

5. It will be seen from the last paragraph of the Extract from Mr. Bainbridge's letter of the 28th May, that the opinions of both Mr. Deputy Magistrate Davies and himself have been confirmed as to the cause of the renewed disturbances between the Meerpore Villages and Mr. Ferrier; the said cause being the loss to the Factory of a farming lease which the Zemindars are unwilling to renew. I am on the point of issuing instructions to the Magistrate in connection with this case.

Extract from a demi-official letter from the Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 25th May 1860.)

I HEARD through Mr. Harris yesterday evening that Mr. Man had sent to him requesting that thirty of the Police might be sent immediately to Jungal as there was every chance of a disturbance. Man's letter was dated 9 P. M., 22nd instant. I instantly laid a Dâk of Sowars from hence to Jungal, and wrote to Mr. Man to be cautious, promising to be with him within twelve hours from the despatch of his summons. I to-day received a report from him, dated the 22nd, to the effect that two Jungal Villagers had come and informed him that their Village was being burnt and looted by Mr. Durand's Villagers. On going to the spot he saw some three hundred men leaving the Village with loot in nets, bamboos, pans, lotas. On his chasing them on horse-back they dropped their bundles and fled; he captured some four or five, one of whom threw him down. Seven houses had been burnt. Mr. Man held Cutcherry on the spot and punished some of the plunderers summarily, but was unable to ascertain how the fire occurred.

At nightfall he left for his Camp leaving the Naib Darogah and all his Policemen in charge.

After dark a Burkundauz brought word that a number of Lattials were round the Village; on Mr. Man's going he found everything quiet, he did not go until day-light. The Sowars have brought letters from him dated this morning, 9 A. M.

They report everything quiet, and that the cause of the disturbance on Tuesday night was that some Villages of Boenolail, a Village implicated in the late riot, had seized some sixty Cows belonging to Mr. Durand's Villages for trespass; the owners turned out to rescue them and in the dark their numbers and intentions were exaggerated.

He does not account for the loot in the day-time; the Village of Jungal was nearly empty, and the neighbours would appear to have taken advantage of this to take what they could; they probably thought Mr. Man absent; he had come in to see me and only returned to his Camp just before this occurred. I purpose riding out to-morrow morning to bind the Messrs. Durand over to keep the peace. Mr. Man saw two of their Khalasees close to the scene of the fire, but could get no proof against them; whether this occurred by their orders or not there is no doubt their object is to keep the place in hot water for the present.

It is to be regretted that Mr. Man left at all until both sides had settled or were heavily bound over; he reports that no one complains about the Paddy lands because the owners are all in prison.

The Police arrived on the 24th, the day after he sent for them, and he found no further disturbance. Mr. Durand offered to guarantee the good behaviour of all his Villages if the prisoners were let off, which only more strongly shews the necessity of being severe with him; his conduct throughout has been shameful.

Extract from a demi-official letter from the Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 28th May 1860.)

I RODE to Jungal on Saturday morning, and returned on Sunday, yesterday; the place is quite quiet.

I took Mr. Man's deposition; he says he saw some three hundred men quietly looting what little property is left in Jungal; all those he was able to arrest were Mr. Durand's Ryots, the others all fled to his

Villages, and the plundered Villagers were unanimous in accusing his people. There are very few men in Jungal at present, those who were there continued ploughing without attempting to oppose. I have no doubt Mr. Durand's Ryots took advantage of the empty state of the Village, and Mr. Man's fancied absence, to pilfer what they could.

The same night some of the Boenolail people, a Village adjoining Jungal, seized some sixty Cows for trespass, and made them over to the Nazir and Police in Jungal.

The owners, Mr. Durand's Villagers, came to take them away in the darkness; their numbers and intentions were exaggerated by the Police who sent an alarming report to Mr. Man, which induced him to send for the Police Battalion immediately. It was not necessary, but as he does not know the character of Bengalees, I think he was right in doing so. I rode on into the Jessore District to Nundpore, and after some difficulty succeeded in binding down Mr. Durand to keep the peace, as I had already done his son, whom I found in Mr. Man's Court.

The other parties must now be also bound over, after which I trust the place will be quiet. I propose keeping a Pharie to consist of a Jemadar and five Burkundauzes in Jungal for the next six months, and solicit your sanction to the extra establishment of Burkundauzes necessary. I think it necessary for the protection of the Villages and the maintenance of order.

Mr. Davis reports from Meerpore that the more he sees of the cases the more convinced he is that they are false in the main, and got up by the Factory. If I could get the Zemindar to come and see me, I could, I feel confident, arrange matters, but he will not come near me or Mr. Davies; there does not appear to be any chance of disturbance.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3003, dated the 7th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 899, dated the 2nd instant, with enclosure, reporting the occurrence of further disturbances at the Village of Jungal, in the Pubna District, and the action taken by the Local Authorities in connection with the same.

2. Under the circumstances reported, the Lieutenant-Governor approves of your having authorized the Magistrate to employ a Jemadar and five Burkundauzes for six months, as a special Police Force, to preserve order at Jungal.

3. The proceedings of the Magistrate and of the Deputy Magistrate on the occasion referred to are also approved.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 941, dated the 11th June 1860.)

SIR,

I HAVE the honor to submit, for the information of His Honor the Lieutenant-Governor of Bengal, extracts of letter from the Officiating Magistrate of Pubna, dated the 1st, 2nd, 4th, and 7th instant, with enclosures, detailing the particulars of some complaints which have been respectively made on the part of the Manager of the Salgamoodiah Concern against certain of the Ryots, and by certain of the Ryots against the Factory, and of the measures taken by the Magistrate and his Subordinates towards adjusting the same. Mr. Bainbridge's letters also contain an account of further disturbances which seemed likely to break out in the Meerpore Concern, but which his presence on the spot appears to have had the immediate effect of allaying.

2. From the two enclosures of Mr. Bainbridge's letter of the 1st instant (copies of which are annexed,) it will be seen that the Manager of the Salgamoodiah Concern wrote to the Magistrate on the 31st May, saying that a general outbreak against the Factory was in his opinion imminent, and begging that the Magistrate would proceed himself to the spot at once, or send his Deputy Magistrate there. In a preceding and much longer letter of the same date (copy of which is *not* sent,) he had reported that a Factory Ameen and another servant had been assaulted by some of the Villagers; that large bodies of Lattials had collected, and that there was every appearance of a disturbance, although he was endeavouring to do his best to prevent it. Mr. Bainbridge at once deputed Deputy Magistrate Moulvee Wasifoodeen to the spot (Hurinarainpore,) with appropriate instructions, and with a sufficient Police Force to keep the peace, and with directions to let him know *at once*, should he be of opinion that his, the Magistrate's, presence was required on the spot.

3. In consequence of the Deputy Magistrate's report (in Bengalee,) to the effect that there was a goljoge or confusion amongst the Ryots, that a complaint had been made to him of the Salgamoodiah Factory Gomashtah having kidnapped and carried off a boy, named Arman Chokra, of Hurinarainpore Village ; that the Factory was seizing Carts and making the Ryots labor without making any payment for the same ; and that endeavours were being made to induce the Ryots to sign over their lands to the Factory, on eight and ten years' leases, for the cultivation of Indigo, the Magistrate thought it proper at once to proceed to join the Deputy Magistrate on the spot, having authorized him at the same time to exchange the Darogah, whose presence in the vicinity at that particular juncture, both those Officers, for the reasons given by them, considered unadvisable.

4. It will be seen that Mr. Bainbridge found Mr. Hampton, the Manager of the Factories (as I told him I expected would be the case,) most willing to come to reasonable terms with the Ryots, but although Mr. Bainbridge was most patient with them, and secured for them the promise of very fair terms from the Factory, which terms, as long as they remained in his presence, they expressed themselves ready to agree to, they would appear to have been subsequently persuaded by some ill-disposed advisers to refuse to ratify them. The Officiating Magistrate was unable to stay with them any longer, being obliged to leave for Meerpore, where he had been led to expect that there was much apprehension of very serious disturbances occuring. He left, however, Deputy Magistrate Moulvee Wasifoodeen at Hurinarainpore, together with Lieutenant Davies in command of a sufficient body of Troops, to suppress any disturbances which might be attempted, though he was of opinion that no such attempt would be likely to be made.

5. Mr. Bainbridge, on arrival at Meerpore, appears to have succeeded in settling matters between Mr. Ferrier and the Ryots to their mutual satisfaction ; and at the time that he last wrote (7th instant,) he was about to return again to Hurinarainpore to see whether he could similarly arrange matters in that locality. I will report the result of his visit, when I again hear from him.

6. I have desired him to make an enquiry into the charge of kidnapping, and to use his best endeavours to recover the missing boy. Mr. Hampton, I am glad to observe, disavows all knowledge of the charge, but the Officiating Magistrate thinks it is nevertheless true, and that

the offence has been committed by the Factory servants without Mr. Hampton's knowledge.

7. I have been much pleased with the good judgment, skill, and patience which have been exhibited by Mr. Bainbridge in dealing with these difficult cases.

8. I should mention that I should have reported earlier on the subject, but that I was anxious, before doing so, to receive Mr. Bainbridge's first report after reaching the spot, as the measures taken by him appeared to be suitable ones, and as there seemed to be nothing in the previous communications from the spot to render an immediate report to Government called for. Mr. Bainbridge's first report (of the 7th instant), after visiting the spot, only reached me late on the evening of the 9th (Saturday).

9. I take this opportunity of requesting, with reference to paragraph 8 of your letter No. 3019, of the 8th instant, that the services of Mr. Deputy Magistrate Man may be allowed to be retained in Pubna for a further short period.

Extract of a demi-official letter from A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to the Commissioner of Rajshahye,—(dated the 1st June 1860.)

I ENCLOSE for your information two letters received last night and this morning from Mr. Hampton, the Manager of Salgamoodiah, Mr. Kenny's Concern.

Wasifoodeen Khan started during the night for Hurinarainpore, and Lieutenant Davies, with twenty Sowars also, the latter *viâ* Kooshtea. He will reach the place this evening, as he waits at Kooshtea in order to give the Deputy time to get there first. I also wrote to Harris to send the twenty men at Comercolly with the Lieutenant, and have sent twenty others, at dawn this morning, to take their place at Comercolly.

The two Detachments ought to arrive on the spot about the same time, and Wasifoodeen about noon to-day.

I shall follow myself, on receiving his report, if necessary.

Lieutenant Davies will return if Wasifoodeen says his presence is uncalled for.

I can offer no opinion about this at present.

It seems passing strange that the Ryots should do as reported under present circumstances.

I trust the affair is exaggerated, and that some ordinary and sufficient cause will appear.

The Darogah reported last night that "the Factory had sent for the Ryots to write over their lands, and, because they refused, looted and burnt a house; that both sides were assembled to fight." Doubtful! because all the property there is Mr. Kenny's own. He is not altogether to be trusted, as he is just now bitterly resentful against Mr. Hampton for ousting him out of his house.

My reason for sending men in such a hurry is, that this is the leading Concern in this country, and I have always heard its example avails much. I have nothing to judge by at present. If there is a disposition to create a disturbance, for the reason stated, the display is necessary; if not, there is little harm done.

There are at present thirty men at Jungal, twenty at Comercolly, twenty Sowars and twenty Police at Hurinarainpore, thirty men at Nowparah, thirty at Serajgunge, and the rest here.

The men at Nowparah and Jungal are not, I think, required. I am wishing to suggest their return.

I authorized Wasifoodeen to remove the Darogah at once if there were any grounds for Mr. Hampton's suspicions.

From T. P. HAMPTON, ESQ., Indigo Planter, to A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna,—(dated the 31st May 1860.)

SIR,

I HAVE just received the enclosed from one of my Assistants. I wrote you on the same subject this morning. The rising of the Ryots in this quarter is evidently increasing fast, and *immediate* action is necessary to put a stop to it. I beg of you or your Deputy to come out here immediately.

From E. H. OGILVIE, ESQ., to T. P. HAMPTON, ESQ., Indigo Planter,—(dated the 31st May 1860.)

MY DEAR MR. HAMPTON,

MY people are rising; even Hattiah. 300 fellows came to Sonaidangy, and say they will burn the Village if they don't join. These are from Hurinarainpore.

Extract of a demi-official letter from A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of Rajshahye,—(dated the 2nd June 1860.)

I RECEIVED a letter from Wasifoodeen Khan this morning, informing me of his arrival on the spot yesterday at about 11 A. M. Both sides had appeared before him, and from their conversation it was evident that a confusion (goljoge) existed, but one which he judged he should be able to settle. He thinks a few Police ought to remain with him.

I had arranged, as before reported, for the arrival of forty on the spot in the afternoon of the day he wrote ; they are doubtless there before this.

No further reports from any quarter.

Extract of a letter from A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna,—(dated the 4th June 1860.)

I ENCLOSE to-day's reports from Hurinarainpore.

I have sent another Darogah, and the ten men required, and go myself to-morrow morning.

Mr. Hampton appears to be commencing already the course I anticipated after the manufacturing in October.

This is most provoking, if true, and very short-sighted.

I will write from the spot to-morrow. If I find him really doing as reported, and *ergo* altogether in the wrong, what course do you recommend?

Salgamoodiah is regarded by all the Planters as the fuze to the shell in this District. They profess to think it all up in other places when Salgamoodiah really *goes*, as they say, and that it will be worst row in Bengal. Of course, I shall act according to my lights, but shall be gratified for any hints.

Extract of a demi-official letter from A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of Rajshahye,—(dated the 7th June 1860.)

I LEFT Hurinarainpore at day-light this morning. I got there on Tuesday. Just as I left Pubna, Mr. Ferrier, of Meerpore, came in to tell me that the whole of his Concern had again combined to have no more Indigo.

On arriving I found that four Factories about Hurinarainpore, belonging to Salgamoodiah, had combined, and new Villages were joining every day.

The leading men were, with the Deputy Magistrate, implicated in a charge of giving bad advice. Other Ryots and Mr. Hampton came in the evening.

The feeling appeared to be very strong. The Ryots declared that the Factory had brought on the combination by endeavouring to seize their persons and take agreements for future years.

Mr. Hampton denied either the wish or attempt, and offered to give them a written *ikrar* to that effect.

Numerous other complaints were made, chiefly general, most of which Mr. Hampton promised to remedy.

It was nearly dark. I directed the principal men to be kept *hazir*, and, when the noisy crew were gone, got the Deputy Magistrate to explain to them the terms which I thought both sides ought to agree to. An agreement was drafted, to which they professed to agree.

The next morning, on Mr. Hampton's arrival, he consented to the agreement, and both sides, after some discussion, shook hands over the matter.

The men then went to eat and consult, taking a copy of the draft with them. They objected to sign until they had done so. In the evening they returned and refused to sign, professing their willingness to cut their own Indigo, but declining to have any writing or to give Carts and Boats, except at the Railway rates, which they could believe the Factory would give, even if they said so. The whole matter therefore fell to the ground; and I advised the Deputy Magistrate to try their case at once, and punish them if the evidence justified it.

All the Ryots of these Factories have taken their advances for Carts and Boats. I believe their intention is not to touch the Indigo further, but avoid the Law if possible, until the manufacturing time comes, by an appearance of consent.

I do not think the Ryots have the least intention of breaking the peace unless coerced by the Factory servants. Mr. Hampton was most conciliatory both in promise and act before me, and promised to continue this policy and check his servants. I requested the Deputy Magistrate to let me know instantly if any attempt at aggression on his part rendered it necessary to bind him down to keep the peace.

I have arranged that the Deputy shall remain with forty Police, thirty Foot and ten Horse, which will suffice, I think, to prevent any collision.

The Sub-Lieutenant will remain in command. I explained both to him and the Deputy the purpose and duties of the Military Police.

I have not seen the Ryots here yet; but from Mr. Davies' account the position is exactly the same, except that here the Ryots deny having taken Cart advances. If so, of course they cannot be compelled to take them. Mr. Davis says there is nothing in the Law about Carts and Boats, and these advances do not come under it. In my opinion they form part of the contract for cultivating Indigo.

The District is much more agitated than it has yet been. This feeling is likely to spread. I cannot spare Lieutenant Davies and his men at present.

The present combination appears to have originated at Salgamoodiah, and spread to this place. The Deputy Magistrate says there is no doubt the men with him has fostered and advised it, and that they cannot stop it now if they could; but the immediate cause was oppression on the part of the Factory servants. When his Palkee came in sight numbers of men collected to oppose his progress, taking him for the Naib of the Factory.

The boy said to have been carried off has not been recovered by the Police.

Mr. Hampton disbelieved the case, but ordered his servants at once to release him if they had taken him, threatening them with punishment if the case was true.

I have very little doubt it is true, though probably done without his orders.

Extract of a demi-official letter from the Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 7th June 1860.)

Twelve Villages here settled yesterday before me, and I trust the remainder, with this precedent, will follow suit. Both sides signed an engagement before me much the same as the one proposed at Hurinarainpore, except that Mr. Ferrier agreed to settle the Gharree hire at 7-8 a month, Boats at four Rupees 100 bundles, Coolies at five Rupees per man a month, work or no work, and also inserted a clause that the agreement was only in force for this year, which appeared to go far towards inspiring confidence. I have sent copies to Wasifoodeen Khan, and written to him and Mr. Hampton to try once, after shewing the agreements to the Ryots.

I think Mr. Davies might easily have done what was effected yesterday before, as it was only necessary to get rid of the Factory Amlah, and confront the Ryots with the Saheb.

His opinion is that our duty is to keep the peace, and leave the Planter and Ryot to settle by themselves.

This is quite right in theory, but practically, without interference, it would require Military Police constantly in almost every Village to keep the peace.

If matters settle here to-day, I shall go back, *viâ* Hurinarainpore, and make another attempt.

I wrote to Mr. Man to remain at Jungal for the present with the Police, if the feeling is so strong here, where there has been no row and no particular enmity exists. I was afraid the peace might be broken the moment Mr. Durand tries to get his Indigo cut.

The Deputy Magistrate, Moulvee Mahmood, reported all quiet at Pubna yesterday. The cause of this second combination here seems to have been the example of Hurinarainpore, and the efforts of the Factory to get their Cart, &c., advances taken by the remainder of the Villagers in the Villages belonging to the disputed Farm which I mentioned before.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3280, dated the 16th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 941, dated the 11th instant, submitting demi-official communications from the Officiating Magistrate of Pubna, relative to certain differences between the Factory and Ryots of the Salgamoodiah Concern, which are likely to lead to serious disturbances, as well as regarding the unsettled state of the District in the neighbourhood of the Meerpore Concern.

2. With reference to the differences between the Factory and Ryots of the Salgamoodiah Concern, I am desired to request that you will call for and submit a full and complete Official Report from Mr. Bainbridge of the whole affair. The Lieutenant-Governor finds it impossible to infer with any certainty from the disjointed demi-official Reports now made, what is the precise position of the two parties; what exactly is

the demand of the Factory; what exactly is the ground of the refusal of the Ryots; and what the legal obligations of the two parties are. It is very essential to have precise information on all these points. At present the impression on the mind of the Lieutenant-Governor, from a perusal of the papers before him, is, that there have been oppressions on the part of the Factories which have not been enquired into as they ought to have been. If so, the sense of injustice which the Ryots must feel may show itself sooner or later in some more formidable excitement than the present one.

3. In one part of Mr. Bainbridge's communication it is stated "that he believes that the Ryots have not the least intention of breaking the peace, unless coerced by the Factory servants." But it does not appear that the Manager and servants of the Factories have been warned of the consequences of attempting to coerce the Ryots, or that orders have been issued to arrest every Factory servant who resorts to unlawful violence.

4. Again further on, in the same letter, it is stated that the immediate cause of the combination against the Factory was oppression on the part of its servants. The Lieutenant-Governor desires to be informed why these cases of oppression have not been enquired into.

5. In your 6th paragraph you state that you have desired the Magistrate to make an enquiry into the charge of kidnapping brought against the Salgamoodiah Factory people, and to use his best endeavours to recover the missing boy. This order the Lieutenant-Governor considers to be much less stringent than the occasion demanded The case of the kidnapped boy must be thoroughly investigated; an adequate reward must be offered to all who give useful information on the subject, with an offer of pardon to all but principals and original instigators; and when evidence has been obtained those concerned in it, no matter who they are, or what the consequences may be, must be arrested and tried. Mr. Hampton, the European Manager of the Factory, it is stated, "disavows all knowledge of the charge, but the Officiating Magistrate thinks it is nevertheless true, and that the offence has been committed by the Factory servants without Mr. Hampton's knowledge." Mr. Hampton, however, must be given to understand that if these men have thus grossly misconducted themselves, they must be dealt with according to Law. Whatever damage the commercial interests of the Factory may suffer in consequence, the responsibility thereof will be his.

The Master who retains such servants must expect to suffer indirectly if not directly, from the consequences of their mal-practices.

6. After the Deputy Magistrate's description* of what the people of the Salgamoodiah Factory had done, and were doing, and were trying to do, it seems to the Lieutenant-Governor strange that the only action reported to have been taken, or expected by you to be taken by the Magistrate, on his arrival at the scene of such doings, was to endeavour to induce the Ryots to come to terms. Every thing else that was proper may have been done; but it is not reported to have been done. The great object of all Government Officers should be to avoid the appearance as well as the reality of supporting any misconduct on the side either of the Factories or the Ryots, and this they will not do in the eyes of the sufferers, if they spare any exertion to convict and punish offenders on either side. After that, but not before, Magistrates may reasonably hope to be accepted as just and neutral parties, anxious to see right done to every body; and then their advice and persuasion is likely to do real good; and the people will not doubt that the Government means justly and fairly to all.

7. The Lieutenant-Governor does not doubt that Mr. Bainbridge has acted judiciously and well on the whole, and that he merits the praise bestowed on him in your 7th paragraph. But the present Report is not enough to enable the Lieutenant-Governor to form an independent judgment from it. In Mr. Bainbridge's communications there is a tone towards Planters who are charged with committing, by the agency of their servants, oppressive and unlawful acts, which is not quite what it ought to be. Planters as well as Ryots should be reasoned with and advised in a kindly considerate and temperate spirit, so long as there has been no offence committed. But after an offence has been committed, the Magistrate's one duty is to enforce the Law equally against the Planter and against the Ryot. As long as Planters conduct themslves justly and lawfully they will be protected to the utmost; and every assistance that can properly be afforded will be afforded them in their present difficulty. They will have the fullest benefit of the Law

* "That a complaint had been made to him of the Salgamoodiah Factory Gomashtah having kidnapped and carried off a boy, named Arman Chokra, of Hurinarainpore Village; that the Factory was seizing Carts and making the Ryots labor without making any payment for the same; and that endeavours were being made to induce the Ryots to sign over their lands to the Factory on eight and ten years' leases for the cultivation of Indigo."

lately passed in their favor. But they should be warned that, if they resort to oppression, the consequences will be upon their own heads. The office of all public functionaries will then be as towards them, not assistance but punishment.

8. In all these disputes the first thing for the Magistrate to do is to make himself as sure as he can of what are and what are not the legal obligations of the Ryots. If a Factory requires them to do anything they are not under legal obligation to do, the Magistrate should be circumspect when he interferes, as the friend of both parties, to bring them to terms. The parties have a right to make their own bargain, if they agree; and if they cannot agree, both parties have an equal right to be protected against violence. If the Ryots are really under obligation to do what the Factory requires, the Magistrate's position is much simpler. He may then safely exhaust all his resources in explaining their position to the Ryots, and in using all his influence to persuade them honestly to fulfil their obligations; warning them of the legal consequences if they fail, and showing them that their recusance may injure but cannot better their prospects in future years, whatever may be the result of the labors of the Indigo Commission.

9. In the case of the Salgamoodiah Factory for example, it is obvious that unless the Ryots are under some legal obligation to give the use of their Carts to Mr. Hampton at a fixed price, that gentleman can have no reasonable claim to get the use of the Carts for less than the owners could obtain for them otherwise. It would not be right for a Magistrate to endeavour to persuade the owners to give the use of their Carts at less than the usual and reasonable market rate of hire.

10. With reference to the question raised in Mr. Bainbridge's letter of the 7th instant to your address, as to the bearing of Act XI. of 1860, on contracts under advances to supply Carts, &c., to Indigo Factories, that Officer has been requested to prepare and submit a complete statement of the case, in order that a legal opinion may be obtained on this important point.

11. The Lieutenant-Governor has no objection to Mr. Deputy Magistrate Man being retained for the present in Pubna, but the charge of the Aurungabad Sub-Division, to which Mr. Man has been appointed, must be provided for, for the time Mr. Man may remain employed in Pubna. I am therefore desired to request that you will nominate a competent Officer to take temporary charge of the Aurungabad Sub-Division.

From H. M. Reid, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 950½, dated the 12th June 1860.)

Sir,

In continuation of my letter No. 941, dated the 11th instant, I have the honor to forward herewith, for the information of His Honor the Lieutenant-Governor, Extracts of a communication from the Officiating Magistrate of Pubna, dated the 10th instant, detailing the further progress which had been effected in arranging the disputes between the Planters of Salgamoodiah and Meerpore Concerns and their Ryots, and reporting on the general state of the District up to the above date.

2. It will be observed that the dispute between the Meerpore Factory and the Ryots, on the subject of the general fulfilment by the latter of their Indigo contracts for the present season, including the supplying of Boats, Carts, &c., has been satisfactorily arranged by Mr. Bainbridge, and that he is endeavouring to effect an amicable adjustment of the dispute still outstanding about the renewal of the farming lease between the Zemindars and Mr. Ferrier. Should, however, the arrangement break through, he will take proper measures to ensure the preservation of the peace.

3. On the Salgamoodiah side also the measures taken by Mr. Bainbridge for adjusting matters between the Factory and the Ryots were being brought to a satisfactory close by Deputy Magistrate Moulvee Wasifoodeen. Thirty-two Villages had already agreed to the term suggested by Mr. Bainbridge, and the rest of the Villages were expected shortly to follow their example.

4. I have authorized Lieutenant Davies to march with the remainder of his Sowars (40) to Berhampore, the rainy season being at hand, and as Cavalry would be useless in Pubna, when once the rains have set in, I would beg to suggest that Lieutenant Davies' Detachment of the Behar Horse may be allowed to remain at Berhampore during the rains. Early instructions on this point are solicited, in order that, if their detention at Berhampore is considered advisable, immediate steps may be taken to have the men and horses comfortably housed and stabled. My reason for recommending their detention at Berhampore is that their services may possibly be again required after the close of the rains. I would beg to bring to the Lieutenant-Governor's notice the favorable

mention made by Mr. Bainbridge of Lieutenant Davies' qualifications for the exercise of Magisterial powers.

5. I am informed by Captain Reeves, of the 2nd Police Battalion, that the Officer who has been newly appointed to his Corps (Lieutenant Coombes) may be expected to join very shortly; and that he will proceed direct to Pubna to assume Command of the Detachment of the Battalion (200 in number) still located there. Until his arrival, the Native Sub-Lieutenants may be allowed to remain in charge of their several Sub-Detachments, and it will not be necessary therefore to have recourse to the measure proposed in my letter No. 917, dated the 6th June, of sending Lieutenant O'Connor from Maldah.

6. I beg to bring to the Lieutenant-Governor's notice, that Mr. Deputy Magistrate Man wishes to remain at Pubna, and that Mr. Bainbridge is desirous of retaining his services. If not inconvenient, therefore, to the requirements of the Public Service, I would suggest that Mr. Man, who has been doing good service in the District, may be allowed to remain at Pubna for the present, and that some other equally active and efficient Officer may be sent in his stead to Aurungabad, the charge of which Sub-Division should just now be entrusted to the best Officer who can be spared for the duty. If the services of Mr. Man are allowed to be retained at Pubna, those of Mr. H. Davis, or of Mr. Stewart, will be available for employment elsewhere.

7. I would beg to bring prominently to the Lieutenant-Governor's notice the remarks made by Mr. Bainbridge regarding the strong feeling which exists in the Southern part of the District against Indigo, and the difficulty which he anticipates will arise when the next sowing season comes on. I am not aware of there being any good foundation for the report which has spread amongst the Ryots of Pubna, of the Commissioner of Nuddea having released many of the Nuddea Ryots from Jail, and if I find, on enquiry, that the report is untrue, I shall desire the Magistrate of Pubna to contradict it.

Extract from a communication from the Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 10th June 1860.)

I RETURNED to Pubna this morning. The remaining Villages in Meerpore were persuaded to settle amicably last night; they were all *bé ilaka*, had not taken Cart advances, and all belonged to the lapsed farm in dispute.

The agreement, a copy of which I will send for your information, settles the Indigo matter, but the farm remains over. They all refuse to pay their rents to the Factory for the farm of the four annas' share, the lease of which has still three years to run. The Factory desire to renew the lease for the twelve annas also, which expired this year.

I offered to arbitrate on the appearance of the Proprietor of the twelve annas' share, if the Proprietors and Mr. Ferrier would come to Pubna; meantime they will give security to keep the peace on Monday, and the Police (Civil) will remain in the Villages pending the arrangement. I believe both sides will keep the Indigo ikrar; each clause was argued out and agreed to by both before me, and they finally appeared sincere and content. Would any case have stood against the Ryots had they remained obstinate? They had not taken fresh advances for Carts and Boats, but were in balance on the books for them, and all held shatas. The Factory pleaded general understanding that the agreement for Boats and Carts was not confined to the past season, and that refusal to give Carts and Boats was as good as not cultivating; the ripe Plant must rot, as carriage was not procurable elsewhere.

Every Ryot was professedly willing from the first to bring his own Plant without pay, but nothing more.

I told Mr. Ferrier I should have no jurisdiction, which induced him to increase his rates and led, after a great tax on voice and temper, to a settlement.

Wasifoodeen wrote me yesterday that the Hurinarainpore people were coming round after all, and that the Ryots of some thirty-two Villages had signed a mutual ikrar. In this case the rest will follow, and peace or war for the rest of the season will remain in Mr. Hampton's hands. I have written twice in the strain you recommended, once before and once after the receipt of your letter. He is very conciliating himself, and the Ryots like him, but he is abominably in the hands of his Amlah.

The boy, who I firmly believe was taken, was not produced while I was there, and on one occasion, in the midst of our arguments, a man rushed in with his back all scored with a cane, and on another two individuals vociferated that his Peadahs were then threatening them with consequences to follow my departure. Naturally all arguments were useless while this continued.

I cannot describe how strong and determined the feeling against Indigo is in these parts of the District.

I believe the majority of the Ryots will die rather than touch it on any terms next year, and no terms or legislation will restore confidence in one season.

Further, the Ryots would require at least two months to consider and make up their minds for or against any act which may result from the present investigation and interval, which they will not get. They will therefore determine not to sow. The Planter will not give in without an effort.

No Concern, if possible, allows its Ryots to have any documents. The Factory will immediately raise the rents of all old Ryots, and defy them to prove their right of occupancy. The squatters, who hold on condition of cultivating Indigo, will have the option at once of ejectment or consent, the result of which will be a jote on the part of all to resist this ejectment.

This, in my opinion, is the meaning of the threat thrown at the Zemindars by the Planter, that the Ryots, after refusing to cultivate Indigo, will next refuse to pay rent. I do not see how the peace will be kept after the rains without an immense number of Troops in Bengal.

The rest of the District is quiet. Manufacturing has commenced in several Factories.

The rains are now so close, and the Sowars will so soon be unable to move, that I would not detain Lieutenant Davies. I shall be sorry to lose him, and only hope that, if occasion requires, he may be sent back after the rains.

He is a most valuable Officer for this service, speaks Bengallee perfectly well, understands Bengallees and the Planting system, shews great activity, readiness and judgment, and never makes a mistake. He is the man of all others I should select to invest with Magisterial powers if required.

Mr. Man is very anxious to stop in Pubna. I should be indeed glad if you can arrange it. Mr. Davis is available for Aurungabad, or Mr. Stewart.

Mr. Man answers for Jungal being quiet at any rate until the 1st proximo, when the cutting will begin. I shall write to him to come in.

P. S.—The Ryots appear to believe that all the Kishnaghur Indigo Convicts have been released by the Commissioner, which may have helped to cause the last disturbances.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3218, dated the 18th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 950½, dated the 12th instant, forwarding extracts of a communication from Mr. Bainbridge, Officiating Magistrate of Pubna, in which he reports the further progress made by him towards a settlement of the disputes between the Planters and the Ryots of the Salgamoodiah and Meerpore Concerns.

2. A perusal of this Report has strengthened the feeling created in the Lieutenant-Governor's mind, that on the whole Mr. Bainbridge has acted with great judgment and success, and also unobjectionably in every respect, if he has taken care not to persuade Ryots, free to do as they like with their own property, to allow themselves to be brow-beaten into agreeing to give the use of their Carts and Boats for materially less than they could get for them otherwise.

3. The Lieutenant-Governor infers from what Mr. Bainbridge has stated in his Report that he has carefully avoided all interference or discussion with the Ryots, in respect to questions relating to future years. This is satisfactory. The Lieutenant-Governor is of opinion that nothing could be more unpardonable in a Public Officer than inducing the Villagers to do anything that would, in the least degree, prejudice their position next year.

4. Though the Lieutenant-Governor very much approves of Mr. Bainbridge having in an equitable and kindly spirit towards both parties brought about an accommodation between them in regard to the boating and carting of Indigo this year, he feels some anxiety in the matter of the farming lease which is very obscurely referred to in your communication. Mr. Bainbridge states that he is endeavouring to effect an amicable adjustment of the dispute about the renewal of this lease. But I am desired to observe that no Public Officer must allow himself to be induced to influence in the least degree such private transactions as the grant of a lease. Any interference in such dealings would be highly objectionable in principle; and in practice, any momentary advantage in the shape of facility in the preservation of the tranquillity of the District would probably be greatly overbalanced by the complications of private rights and private quarrels in which the Magistrate might be

involved eventually by such a departure from his proper province. I am desired to request that you will call for and submit a full Report regarding this lease.

5. With regard to the Detachment of Sowars under Lieutenant Davies, I am desired to state that the Lieutenant-Governor, after consulting the Inspector of Police Battalions, is of opinion that it would be expedient to keep this Detachment for the present at Berhampore, in case its services may be required in any of the Indigo Districts; and I am to request that immediate steps may be taken to have the men and horses suitably housed and stabled.

6. The favorable mention made by Mr. Bainbridge of Lieutenant Davies' qualifications for the exercise of Magisterial powers is creditable to that Officer, and will be remembered in the event of his services being required in that capacity.

7. You have been already informed by my letter No. 3280, of the 16th instant, that the Lieutenant-Governor has no objection to Mr. Deputy Magistrate Man's services being retained for the present in Pubna.

From H. M. REID, ESQ., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 1052, dated the 3rd July 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letters Nos. 3280 and 3218, dated the 16th and 18th ultimo, relative to certain differences which have lately occurred between the Indigo Planters and the Ryots of the Salgamoodiah and Meerpore Concerns in the District of Pubna; and, as directed in the 2nd paragraph of the first alluded to communication, I beg to submit, for the information of His Honor the Lieutenant-Governor of Bengal, copy of a connected Official Report from the Officiating Magistrate of Pubna, dated the 29th ultimo, giving a full description of the differences between the Salgamoodiah Factory and its Ryots.

2. Mr. Bainbridge's Report is so extremely clear and concise, that it appears altogether unnecessary for me to recapitulate it. I will merely, therefore, make a few comments on such portions of it as appear to require notice on my part.

3. The 2nd to 10th and the 12th and 13th paragraphs of Mr. Bainbridge's letter explain the *causes*, as far as Mr. Bainbridge has been able to ascertain them, of the differences which have arisen between the Factory and the Ryots, and give particulars of the overt acts by which those differences were accompanied, and also of the settlement of the matters in dispute, which was agreed upon, to the mutual satisfaction of the Ryots and of the Planter, at the instance of the Officiating Magistrate and the Deputy Magistrate Moulvee Wasifoodeen, and which, I would observe (*vide* Mr. Bainbridge's 13th paragraph), would appear to have been sufficiently advantageous to the Ryots.

4. The main causes of the dissatisfaction on the part of the Ryots would appear to have been oppression on the part of the Factory people, and a fear that they would be forced to enter into contracts to sow Indigo for future years. There was a complaint also of one Arman Chokra having been kidnapped by the Factory Gomashtah, and there were others of a general and more trivial character, all of which latter were unsupported by proof, and could not of course be prosecuted to conviction. On the other hand there was a complaint on the part of the Factory of one of its Ameens having been knocked down and beaten. The Magistrate further expresses it as his own conviction, as well as that of the Deputy Magistrate, that the Factory had Lattials collected at different localities to seize the Ryots; but he remarks that the Ryots also had collected Lattials on their side.

5. The Magistrate, as well as the Deputy Magistrate, seemed to think that the Factory was cheifly to blame; but no more serious occurrence than that of the kidnapping of the boy Arman Chokra had, up to that time, taken place; and they thought it would be for the best to settle matters, if possible, to the satisfaction of both parties, and thereby to preserve the peace of the District. This they succeeded in doing, the terms agreed upon being those specified in the Officiating Magistrate's 13th paragraph.

6. With reference to your 3rd, 4th, and 7th paragraphs, I would beg to refer His Honor the Lieutenant-Governor to the concluding parts of the Officiating Magistrate's 6th and 8th paragraphs, and also to his 9th paragraph, from which it will be observed that Mr. Bainbridge was fully prepared to deal out equal justice to both parties, and that he distinctly warned Mr. Hampton and his servants of the consequences of attempting to coerce the Ryots, and particularly directed the Deputy

Magistrate to arrest the Naib or any other servant who resorted to violence, and if necessary, to send them in to him for punishment.

7. With reference to the 5th paragraph of your letter No. 3280, commenting on the case of Arman Chokra, I beg to refer you to paragraph 10 of the Officiating Magistrate's letter, from which it will be observed that the above case has been compromised. It appears that Arman Chokra was produced before the Deputy Magistrate on or about the 10th June, after the Magistrate had left the spot, and that he had some marks as of beating on his person. In reporting this to me the Officiating Magistrate remarked to the effect, that he feared there would not be sufficient evidence for conviction. I replied that the boy's evidence, if direct, and corroborated by circumstantial evidence, might suffice for conviction, and that his father or other near relative might be made prosecutor in the case. But before these instructions, which were dated the 19th June, could reach the Magistrate, the case had already been compromised by the Deputy Magistrate on the 16th idem, although such mode of dealing with it appears to have been opposed to the verbal instructions given to that Officer by the Magistrate (as will be seen from the annexed extract of a *demi-official* letter from Mr. Bainbridge to my address, dated the 29th ultimo) :—" The case was compromised on the 16th of June, so I did nothing. I had told Wasifoodeen this before, saying the case should not be compromised. I asked him when he came in, why it was done. He said they proffered the compromise, not to have accepted it would have complicated matters; and that was the Ameen's good case and others on the other side. I think his opinion deserved attention, as he was on the spot."

8. The settlement of the case in the manner mentioned is to be regretted; and I have called upon the Deputy Magistrate to explain why he acted in disobedience to the orders of the Magistrate so dealing with it. Mr. Bainbridge, it will be observed, is of opinion that the reasons assigned by the Deputy Magistrate for allowing the case to be compromised are deserving of attention, as he was on the spot, and well able to judge the probable effect of a contrary method of dealing with it. However much it has to be regretted that the case has been compromised, it cannot now, in my opinion, be re-opened. I have therefore requested the Magistrate to stay the further proceedings alluded to in his 10th paragraph, until further orders; and would beg to be favored with the Lieutenant-Governor's instructions on the subject.

9. It will be observed, from Mr. Bainbridge's 15th paragraph, that further complaints have since been made by Mr. Hampton against the Ryots, of their not having adhered to the agreements made by them, and of their having again combined against the Factory. The reason assigned for this fresh dissatisfaction on their part being, that certain Ryots had returned from Calcutta with reports that the further cultivation of Indigo was to be optional, and that persons who had received advances were to have the option, if they wished it, to repay the amount of their balances into the Collector's Treasury.

10. The Officiating Magistrate at once despatched the Deputy Magistrate to the spot to enquire into this fresh charge of combination, and to punish the parties against whom anything might be proved, and to take the necessary steps to prevent any breach of the peace; but it will be seen from the Deputy Magistrate's Report, dated the 25th ultimo, translation of which is annexed, that everything was perfectly quiet when he visited the spot, and that he was unable to ascertain how the rumours mentioned in Mr. Hampton's letter arose.

11. Mr. Bainbridge's 14th paragraph contains an explanation on the subject of the farming lease, which is alluded to in your letter No. 3218, dated the 18th ultimo. Mr. Bainbridge explains that he offered to mediate between the parties on the subject of the farm, being convinced that his doing so would assist materially in the settlement of the other disputes which were at that time pending between them, and that his doing so had that effect. The mediation regarding the farming lease appears to have failed as far as the farm itself is concerned, and both parties have been bound down to keep the peace. The object which Mr. Bainbridge had in view in connection with this matter was a most laudable one, but it has been pointed out to him that His Honor the Lieutenant-Governor, for the reasons detailed in your above letter, considers any interference in such matters, on the part of Government Officials, to be highly objectionable in principle; and he has been enjoined strictly to adhere to the principle of non-interference in matters of the kind for the future.

12. It will be seen from Mr. Bainbridge's 11th paragraph, that he has forwarded direct to Government a Report on the subject of the bearing of Act XI. of 1860 on the case of contracts under advances to supply Carts, &c., to Indigo Factories, referred to in paragraph 10 of your letter No. 3280.

13. With advertence to the concluding portion of the 11th paragraph, I would beg to be permitted to nominate Mr. Villiers Taylor, who has lately been acting as Joint Magistrate and Deputy Collector of Rungpore, to the temporary charge of the Sub-Division of Aurungabad, if his services can be spared for the purpose. Mr. Taylor has expressed to me his willingness to accept the post, should the Lieutenant-Governor be pleased to appoint him to it. Mr. Taylor at present stands posted to the Mudheypoorah Sub-Division ; and a letter addressed to him at *Bhaugulpore,* within the next week or ten days, would reach him in time to admit of his joining Aurungabad instead of Mudheypoorah. Should this arrangement not be approved of, I would suggest that Mr. Deputy Magistrate Davis, who has lately been appointed to Moorshedabad, should be temporarily transferred to the charge of the Sub-Division. The first named arrangement would, however, in my opinion be the preferable one, as an extra Officer is much required at the Sudder Station during Mr. Robinson's absence on special duty in the Aurungabad Sub-Division, and as he informs me that, to enable him to do that duty in a satisfactory manner, it is essential that there should be another Officer at the Sub-Divisional Head Quarters to dispose of the current work.

From A. J. R. BAINBRIDGE, ESQ., Officiating Joint Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(dated the 29th June 1860.)

SIR,

IN reply to your letter No. 1000, June 23rd, 1860, I have the honor to submit the following report regarding the differences between the Salgamoodiah Factory and Ryots.

2. The Factory complained that, whereas the Ryots had sown according to their agreements, and had taken advances to supply Carts and Boats as usual, they were combining not to give them, refused to work, and had seized and beaten an Ameen who went to one of their Villages.

3. Wasifoodeen Khan, Deputy Magistrate, was deputed to the spot, June 1st, 1860. The position of the two parties was this :—The Ryots were under advances for Boats and Carts, which the Factory demanded should be worked out as usual. The ground of refusal on the part of the Ryots was that the Factory was attempting to extort contracts for ten years ; they also made general complaints of oppression and extortion.

4. Some twenty petitions had been made by the Ryots, the burden of the majority of which was that the Factory was entertaining Lattials, who were ready to seize and carry them to the Factory to sign these contracts; the rest were for petty assault, and one for trifling plunder. These petitions specified no date, and were so general and trifling as to require no order beyond a Subpœna; no witnesses were produced in any of them. This appears to be the reason why they were not further enquired into, and why the Deputy Magistrate at once endeavoured to settle the matter amicably.

5. He reported that matters were in fair train towards this result, when fresh complaints were made of kidnapping Arman Chokra, of endeavouring to get signatures to the agreements aforesaid, and of making men and carts work without pay. The institution of these cases ended the settlement.

6. I went out on the 4th or 5th, intending to take the matter in hand, but, owing to the occurrences at Meerpore, was unable to remain. No witnesses have been produced in any of the cases brought by the Ryots except that of Arman Chokra. There are about forty of them, all of a trivial and general nature, and the object of most of the petitions are to get securities taken from the Factory. I explained to the Ryots why I could not stop to try these cases, saying that the Deputy Magistrate would remain, and severely punish oppression of violence on either side.

7. Meantime, I required to know what their demands were, that I might make Mr. Hampton concede to them if just, and so settle the matter. They at first answered that they could not trust the Factory, and would do no more work beyond cutting and bringing each man his own Indigo. They were shewn that they had taken advances, that the Factory would prosecute, and that they would probably end by being punished, after much trouble and expense. The head men presently stated their demands, to which Mr. Hampton agreed. They were written out and taken away for consultation. In the evening the men returned after being sent for, and refused to agree to anything, saying they were all prepared to abide the result.

8. This being the result of so much negociation, I thought their intention to do nothing clear, and said that it only remained to keep the peace and try the cases which both parties forced on; that I must leave the place, but that the Deputy Magistrate would remain and see justice done. Some of those present, whom the Deputy Magistrate said were

proved to be the instigators of the combination, were detained on security. Their confinement gave dissatisfaction ; and, before leaving, I recommended the Deputy Magistrate to lose no time in putting the delinquents in Arman Chokra's case on the same footing, and punish them severely if the case was true. I did not neglect to warn Mr. Hampton and his servants of the consequences of attempting to coerce the Ryots, and particularly directed the Deputy Magistrate to arrest the Naib or any other servant who resorted to violence, and, if necessary, send them in to me.

9. A man who had been evidently beaten complained to me while I was there. He was shewn to Mr. Hampton, and I proceeded to take up his case directly ; but he refused to prosecute, though pressed to do so, expressing himself quite satisfied with the redress given by Mr. Hampton. This case was not connected with the differences we were occupied with.

10. I left before morning on the 6th or 7th. The Deputy Magistrate replied to my letter at Meerpore, that there was no necessity for my return, and he eventually effected the settlement reported, and accepted Razeenamahs in all the cases, that of Arman Chokra included. I have replaced the case on the file and sent the record to him with directions to complete and pass orders on it. The case only requires Arman's deposition to prove it against the Gomashtah.

11. A statement of the cases called for in paragraph 10 of the Government letter has been forwarded direct. My doubts on this point made me the more anxious to effect a compromise, as the combination was spreading daily, and the difficulty of keeping the peace increasing in proportion.

12. My report, that the origin of these disturbances was oppression on the part of the Factory servants, was based on the Deputy Magistrate's opinion, as well as my own, that the Factory had Lattials in different places to seize the Ryots ; though this was of course most difficult to prove ; there were men brought from Kishnaghur on the other side also. When the Deputy Magistrate first arrived, he found some hundreds of men assembled on the opposite bank of the River, some of them with sticks. It appeared they took his palkee for that of the Naib of the Factory.

13. In reply to Government letter No. 3218, of 18th of June, I have called on Wasifoodeen Khan, Deputy Magistrate, to report the exact rates of hire agreed to for Boats and Carts, and given him the necessary

caution. The rates arranged at Meerpore were sent you:—Carts Rupees 7-8 per month for ilaka Ryots; Rupees 8-8 for bê ilaka, and Rupees 4 per 100 bundles for Boats.

14. With regard to the farming lease I have done nothing further than I reported to you. The position is this:—The Meerpore Concern held a farm of the twelve annas' share in six Villages from one Partner, and of four annas from another. The lease of the twelve annas' share has just expired; renewal is refused. The lease of the four annas' share has three years to run. The Proprietor says he was confined in the godown, and gave it under duress. Both Partners and the Ryots have combined to oust the Factory from the four annas if possible. The Ryots refused to work for or pay rent to the Factory. They have consented, on the terms reported, to work this year; but they refuse to allow the Factory Tehsildars in their Villages, and declare they will only pay their rents into the Collectory, or to the four annas' Proprietor. Both sides have been bound to keep the peace, and the Nowpara Naib Darogah and Burkundauzes have been deputed to the spot for the present. I have to-day informed the four annas' Partner that I cannot interfere further. My offer at the time assisted the settlement.

15. Since the conclusion of the arrangement at Salgamoodiah, Mr. Hampton has again complained. His original letter has been forwarded. I enclose Wasifoodeen Khan's second Report from the spot, received yesterday, also copies of the directions given him. Two petitions have been put in by some Ryots of Salgamoodiah Factory itself against some of the servants. Orders were written on the backs, sending them to Wasifoodeen for investigation, and directing him to arrest and punish any servant, Naib or otherwise, who had committed any oppression. The Petitioners were told that they were only bound to work while their agreement was observed.

16. Two Meerpore Ryots also petitioned, filing three specimens of pretended hât chittahs. I passed very similar orders, and sent for their witnesses. A copy of my letter to. Mr. Ferrier is sent herewith.

Translation of a Roobookarree, dated 25th June, addressed to the Magistrate of Pubna, by MOULVIE WASIFOODEEN, Deputy Magistrate.

THAT on the 23rd June 1860, Kalachand Udhikaree, Mookhtear of the Sahibs of the Salgamoodiah Concern, presented a petition stating that Issur Chunder Chowdry, Bagoo Mundle, and others, of the

Village of Baradee, &c., had come to their houses from Calcutta, and had circulated a story among the Ryots of different Villages, that Government had passed an order to the effect that the manufacture of Indigo would be stopped; and that the money advanced should be deposited in the Collectorate; and that the said Ryots were trying to put a stop to the Carts and Boats contracted for, and to mislead the Coolies who already received advances

Agreeably to the instructions of the Magistrate of Pubna, I set out at half-past 8 o'clock of the 23rd, and arrived at Hurinarainpore before 4 P. M. I enquired into the subject, but did not observe any signs of the nature aforesaid. As the Sahibs of the Factory will commence their work on the 26th instant, I intend making a stay of two or three days and shall return with the Police Force, should there happen nothing new. I shall inform the Magistrate if anything occurs.

ORDERED, that a copy of this Roobookarree be sent to the Magistrate of Pubna.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 3610, dated the 11th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 1052, dated the 3rd instant, submitting an Official Report from the Officiating Magistrate of Pubna, in which he gives an account of the differences between the Indigo Planters and the Ryots of the Salgamodiah and Meerpore Concerns, and states the measures taken by the Local Authorities to settle those disputes and to prevent a breach of the peace.

2. The Lieutenant-Governor considers this Report to be on the whole satisfactory. But he observes that there are points on which the proceedings reported are open to question.

3. The Ryots of Mr. Hampton's Factory are reported to have said that they would do no more work beyond cutting and bringing (to the Factory) each man his own Indigo. This of course is all that they could be obliged to do under a mere contract for the cultivation of Indigo. But Mr. Bainbridge states that they were shewn that they had taken advances, and even told that the Factory would prosecute, and that they

would probably end by being punished after much trouble and expense. Mr. Bainbridge seems here to have misled the Ryots by some erroneous understanding of the Law. Certainly the late Indigo Act applies to no work unconnected with the contract to cultivate Indigo; and it imposes no *punishment* for breaches of Civil contract. And unless the Ryots had contracted expressly to do some other kind of work, they were under no obligation by an ordinary Indigo contract to do it, and were answerable to no Law whatsoever for refusal. Mr. Bainbridge's exposition and counsel seem therefore to have been much too general and unqualified to the disadvantage of the Ryots.

4. Mr. Bainbridge reports that some Ryots were confined, to the general dissatisfaction of the Villagers, on no other ground than that the Deputy Magistrate "said they were proved to be the instigators of the combination." This proceeding was wholly unlawful, and being so was not just or proper. Such a combination as is mentioned, even if proved, is no offence, and no Magistrate is warranted in confining any one for joining or instigating it.

5. In both these points the Factory was placed at an advantage, and the Ryots at a disadvantage, which neither the Law nor natural equity justified.

6. The Lieutenant-Governor approves of the orders passed by you in regard to the farming lease referred to in your 11th paragraph. Mr. Bainbridge was not in a position to see all the bearings of a question of this nature as it affects private interests and sentiments. It appears that the Ryots were very strongly against a renewal, and that alone was cause enough for a Zemindar of right feeling refusing to renew. The Lieutenant-Governor regrets that a Government Officer was so indiscreet as to interfere in the interest of any third party, by advising a course displeasing to the only two parties permanently interested. The allegation of the Proprietor of the four annas' share of the Estate, that he gave the lease of his share under duress, when confined (by the lessee) in a godown, whether founded or not, gives an additional color of impropriety to any interference on the part of a Magistrate in the lessee's favor.

7. With reference to your 7th paragraph, I am desired to state that the Lieutenant-Governor cannot permit the case of kidnapping to be dropped as a Government prosecution. The Deputy Magistrate is much to blame for having consented to allow a case of this peculiar

nature to be dropped; and he must be seriously reproved for having done so, contrary, it would seem, to the Magistrate's instructions.

8. Mr. Bainbridge says—"the case only requires Arman's deposition to prove it against the Gomashtah," Arman being the kidnapped person. The Gomashtah must be immediately prosecuted in the name of the Queen, all witnesses being warned that they will be liable to prosecution for perjury if they do not give true evidence. No endeavors must be spared to obtain good and sufficient evidence of the facts, whatever they are.

9. The frequency of crimes of this nature, and the impunity of those who are known to be guilty of them, are a disgrace to our administration. Such cases must never be treated like a common assault, or other small misdemeanor affecting individuals, which may be settled by those immediately affected, without any general injury to the public. Kidnapping must be regarded as a crime against the public, which must never fail to be prosecuted, on the part of the public, with the utmost severity.

10. With reference to your 13th paragraph, I am to state that the Lieutenant-Governor does not see any advantage in changing Mr. Villiers Tayler's destination to Aurungabad. The Sub-Division of Mudheypoorah would remain to be filled up. Mr. Robinson's presence at Aurungabad makes it unnecessary that any other Officer should go there immediately. Mr. Deputy Magistrate Stewart will have joined Pubna to relieve Mr. Man, and the latter Officer will be available, for the charge of the Aurungabad Sub-Division, before Mr. Robinson will have concluded his enquiries in that neighbourhood.

From H. M. Reid, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 3Ct., dated the 4th August 1860.)

Sir,

With reference to your letter No. 3610, of the 11th ultimo, copy of which was duly communicated to the Officiating Magistrate of Pubna, I have now the honor to forward, for information of His Honor the Lieutenant-Governor, copy of a letter from the above Officer, No. 419, of the 23rd ultimo, in which, while admitting the justness of the remarks conveyed in your 3rd and 4th paragraphs, Mr. Bainbridge states that he ought to have furnished a more detailed explanation on

the subject of the farming lease which is alluded to in your 6th paragraph.

2. From the explanation now submitted it appears that it was at the request of the *four annas' shareholder of the Mehal*, and not at that of the *Manager of the Factory*, that Mr. Bainbridge consented to mediate the matters in dispute between the parties, and that his object in sending for the *twelve annas'* sharer was to explain to him that the forcible ejection of the Indigo Planter, from a Village, of a fractional portion of which he still held an unexpired lease, could not be allowed. It was not with the object of causing him to renew the term of his own twelve annas' portion of the farm that the Magistrate sent for the above Zemindar, but that the Farmer might continue in peaceable possession of the *four annas'* portion during the remaining period that his lease of it had to run; and that, by retaining such possession, his engagements with the Ryots in respect to Indigo might be the more satisfactorily arranged. Under the explanation now afforded, and with advertence to the circumstance that it was at the instance of one of the parties chiefly interested in the matter that Mr. Bainbridge consented to mediate the matters in dispute, I trust that His Honor the Lieutenant-Governor will be inclined to entertain a more favorable view of the part taken by that gentleman in the matter than that expressed in paragraph 6 of your letter under reply. I have no hesitation in recording my conviction that the course followed by Mr. Bainbridge was that which seemed to him most likely to be attended with the most satisfactory results to the several parties concerned, and that, in adopting it, he was not at the time aware of its being in any way objectionable.

3. I have, in obedience to the Lieutenant-Governor's orders, directed the Officiating Magistrate to prosecute the case of Arman Chokra, on the part of Government. The case is almost ready for decision, and I am informed that there is sufficient evidence for a conviction.

4. With reference to the 10th and succeeding paragraphs of Mr. Bainbridge's letter, I have referred him to the demi-official correspondence which has recently taken place between the Government and Mr. Moran, copy of which has been sent for his information and guidance. I have impressed upon him that the forcible cutting of the crop by the Factory cannot be, under any circumstances, permitted; but that, at the same time, it would be the proper course for him, in every case where such petitions as those alluded to by him are presented, to point out to

the Petitioners that if they are really under advances to the Factory to supply their Indigo to it, their neglect to perform their obligations will be liable to subject them to the consequences laid down by the Law for such neglect.

5. I have informed the Magistrate that, in my opinion, Mr. Assistant Harris should be instructed not to interfere any further in the matter alluded to in his 16th paragraph beyond preventing the forcible cutting of the Indigo by the Factory, and informing the Petitioners to the same effect as detailed in the preceding paragraph of this letter.

6. The behaviour of the Ryots, as reported in Mr. Bainbridge's 14th paragraph, appears, as far as I have had an opportunity of personally judging of it, to bear out the description given in that Officer's 14th paragraph. I have been unable to ascertain how the report has arisen that no more petitions against oppressions would be received after the 15th Srabun, (29th July,) but I have informed the Officiating Magistrate that if such impression really exists, it can readily be disabused by his taking petitions daily, and if necessary, directing his Subordinates at Out-stations to do the same.

7. Mr. Fergusson's Factory, alluded to in paragraph 17, was temporarily closed owing to a combination amongst the work-people, but it was speedily re-opened again.

8. With reference to Mr. Bainbridge's 18th paragraph, I have only to remark that I should have been very glad if arrangements could have been made for retaining the services of Mr. Deputy Magistrate Man at Pubna, but as his successor, Mr. Stewart, has now joined, I am not now prepared to recommend it. Mr. Man must proceed to join the Aurungabad Sub-Division, where I have thought it necessary to allow the Officiating Magistrate of Moorshedabad to employ, as a temporary arrangement, the services of Deputy Magistrate Deen Mahomed, from the Sudder Station to aid him in disposing of the current duties of the Sub-Division, while himself engaged in conducting the special ones directed by Government, in connection with the charges of oppression which have recently been brought to notice in the Northern part of the District. Mr. Robinson has been directed by me to retain the general control of the Sub-Division, and to employ the Deputy Magistrate as fully as possible in conducting its current duties, and in disposing of cases.

From A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(No. 419, dated the 23rd July 1860.)

SIR,

I HAVE the honor to acknowledge the Government letter No. 3610 of July 11th, with enclosure.

The remarks in paragraphs 3 and 4 are just.

I should have stated the circumstances referred to in paragraph 6 more fully.

1. The renewal of the form was the original ground of dispute.

When I was on the spot the Manager of the Factory relinquished his wish to obtain a renewal, if the Proprietor was unwilling to renew, and confined himself to the request that the Partners would settle about his Indigo, and not interfere with his farm of the other share.

2. It was necessary to separate the Indigo dispute from the other, which I did. I offered to mediate at the request of the four annas' Proprietor—not of the Factory Manager.

3. I think my consort led him to exert his influence more than he otherwise would to settle the Indigo dispute, and that he is disappointed that I have not.

4. My object in sending for the other Partner was to point out to both that they could not forcibly oust a Farmer whose legal lease, however obtained, had not expired.

5. I did not, nor, had he come in, did I intend to exert my influence to induce them to give what was displeasing to them; beyond saying that, if they could agree on the terms, it would be well to settle a quarrel which had already led to so many cases.

6. I thought an agreement for the remainder of the term of the lease of the smaller share probable, if the parties could be confronted.

7. A translation of paragraph 7 will be communicated to Wasifoodeen Khan, Deputy Magistrate.

8. I have taken steps to prosecute Arman Chokra's case as directed.

9. I enclose copies of the proceedings held since my last report.

10. The number of petitions claiming the standing Indigo and praying that it may not be forcibly cut are increasing.

11. The order recorded on the deposition of Boijram Mundle was past on the petition, and in the presence of some 100 Ryots of Manjeeparah Factory in the Sudder Station.

12. That on Bagram Sheik's was passed on a petition of a few Ryots from the Salgamoodiah Concern. A great number of the Hurinarainpore Ryots of the same Concern brought their rents into the Collectorate yesterday, praying to have them received in deposit, alleging that no receipts were given and that exactions were made on other counts.

13. Mr. Kenny's Mookhtear when referred to said he was willing to receive the rents and give receipts; he was directed to do so if he had the power.

14. I observe a change in the temper of the Ryots who come to me; they appear to understand their position better and to be better advised or to have more confidence in the authorities, I trust both; there is less clamour, and many of them while complaining of general oppression and insufficient pay merely pray to be informed what the orders are as they mean to abide by them; apparently these petitions are put in more for information than as definite claims for redress.

15. I have heard from two quarters that there is a report current that petitions against oppression on account of Indigo will not be received after the 15th Srabun.

16. Mr. Harris informs me that he has received petitions from a number of Brahmins and the higher class of Ryots in the Hizlabut and Nowhatta Concerns praying to be allowed to dispose of their Indigo as they like, alleging they had their lands cultivated by Bargadars, and that they purchased the Seed from Mahajuns on their own account. I have not heard whether this statement was made good or not. I have requested Mr. Harris to send me copies of any particular orders he passes.

17. I enclose a letter from Mr. Fergusson, of Comadpore, which explains the temporary closing of one of his Factories.

18. I should be very glad if Mr. Man could be kept at Pubna; he authorizes me to say that he wishes to stay, if allowed.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 4175, dated the 13th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 3, dated the 4th instant, submitting a more detailed explanation from the Officiating Magistrate of Pubna, in regard to what was supposed to be

an undue interference on his part in the matter of the renewal of a farming lease held by a Planter, which had expired.

2. In reply I am desired to state that the case, under the present complete explanation of it, assumes an altered appearance. The Lieutenant-Governor, at no time doubted that the Magistrate had intended to act for the best; and if in the first report of the matter the limited object he had in view had been explained, the Lieutenant-Governor should not have been led to question the discretion of his conduct in the affair.

3. The Lieutenant-Governor approves of the instructions issued by you, as reported in the 4th, 5th and 6th paragraphs of your letter under reply.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Magistrates of Pubna and Moorshedabad,—(No. 4107, dated the 7th August 1860.)

SIR,

I AM directed to request that if any actual attempt be made anywhere within your jurisdiction wantonly to destroy the Indigo Plant now ripe for manufacture, you will cause the Police to prevent such destruction, as that can be for no one's interest, and is very likely to be for the injury of Planters who have made advances.

2. The Lieutenant-Governor does not anticipate that now, after cutting has gone on quietly so long, any Ryots would make such an insane and self-injurious movement as the wanton destruction of the still uncut crops would be, but as one instance has just come to his knowledge in which a Manager has reported to his Principal in Calcutta a case of throwing Indigo into the River, the Lieutenant-Governor has thought it proper to issue these instructions with a view to precautionary measures being taken by the Police to prevent wanton destruction of this sort.

3. This protection of the Plant, I am desired to observe, will not interfere with the just settlement of any disputes regarding it.

No. 4108.

COPY forwarded for the information and guidance of the Officers in charge of the Sub-Divisions of Kurreempore and Aurungabad, respectively.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 4105, dated the 7th August 1860.)

SIR,

I AM directed to forward to you six copies of the accompanying letter of instructions issued this day to the Magistrates of Pubna and Moorshedabad, regarding the alleged wanton destruction of the Indigo Plant now on the ground.

2. Copies have been forwarded for the information and guidance of the Officers in charge of the Sub-Divisions of Kurreempore and Aurungabad.

From H. M. REID, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 19Ct., dated the 10th August 1860.)

SIR,

I HAVE the honor to submit, for the information of His Honor the Lieutenant-Governor of Bengal, the Reports on the state of Indigo cultivation in the District of Pubna, for the weeks ending the 30th ultimo and 6th instant, and as detailed in the Officiating Magistrate's letters of those dates, Nos. 434 and 451. These Reports may, in my opinion, be regarded as generally satisfactory.

2. It appears from the Report of the 30th July, that the work in several Factories had been interrupted, owing to fears alleged to have been entertained by the Ryots that their Indigo was about to be cut by force. The Ryots proposed themselves, however, willing to give the crop for a fair price. The Magistrate protected them in the possession of it, no force was resorted to by the Factories, and it does not appear clear that any was intended to be attempted.

3. Mr. Soupin has been punished for two cases of assault on some of his Coolies, but the cases do not call for any special notice.

4. Moulvee Mahomed, Deputy Magistrate, has since returned to the Station, and reports that the alleged case of kidnapping alluded to in the Magistrate's 8th paragraph has been most satisfactorily proved to be a false one, as will be seen on a reference to the 6th and 7th paragraphs of the Officiating Magistrate's letter of the 6th instant.

5. The manufacturing in the Factories* alluded to in the Magistrate's 9th paragraph was temporarily put a stop to, owing to the causes alluded to in my 2nd paragraph. The Factories resumed operations, after a brief interval, at the intervention (by the request of both parties,) of the Deputy Magistrate, and on the promise of the Factory Manager that the Plant was to be paid for in cash.

* Hurinarainpore, Salgamoodish, and others, belonging to Mr. Kenny.

6. The cases of assault alluded to in the Magistrate's 2nd paragraph are identical with those alluded to in paragraph 3 of this letter.

Officiating Magistrate's letter of 6th August, No. 301.

7. There has been a second strike among the Coolies, Boatmen, &c., of the Mohunpore Factory, similar in its nature to one previously reported upon, but it has been amicably disposed of between the parties interested.

8. The dispute between Mr. Verploegh and certain Ryots of the Manjeeparah Factory, relative to the cutting of the Indigo on the Kulwa Chur, has been amicably settled between the parties. The Ryots were afraid that the Planter would carry their crop by force, and perhaps not pay them in full for it. Mr. Verploegh was obliged to make some concessions, but what they were is not apparent.

9. Several petitions were presented to me on the day after my arrival here, against the Sonakoonder Concern. Their general drift was that the Rice lands of the Ryots had been forcibly sown with Indigo; that their Indigo had been in some instances forcibly cut; that they could not get paid for it; and that they were in fear of having their lands forcibly sown with Indigo next October. I informed them that their proper course, in regard to the two first subjects of complaint, was to apply to the Magistrate; in regard to the third, that their remedy was an application to the Civil Court; and in regard to the fourth, that, if force was *really* attempted, it would be open to them to apply at the time to the Magisterial Authorities, who would afford them every necessary protection. They appeared satisfied, and have not since returned.

10. The Officiating Magistrate, in the 8th to 11th paragraphs of his letter, describes the position of Indigo matters in the Hizlabut Concern, of which Mr. Roberts is the Manager. It appears that Mr. Roberts has cut the *whole* of the Indigo in the Pubna portion of the Concern; that the opposition which he has met with has been of a very trivial character; and that it does not seem to have sprung up, or at any rate to have been

brought to the notice of the Magisterial Authorities, until just before the close of the manufacturing season.

11. The nature of the misunderstanding existing between the Salgamoodiah Concern and its Ryots is explained in the 13th to 16th paragraphs of the Officiating Magistrate's letter, and that Officer is, in my opinion, correct in saying that the difficulty in this Concern has been greater than in any other in the District. For several days my Office has been thronged with Petitioners from this Concern; and, although both the Magistrate and myself have endeavoured to reason with them, and to explain the real state of matters, we have not always succeeded. One of their chief grounds of complaint, and apparently *the chief one*, is alleged oppression of the Factory Naib. I have told them to bring specific charges against him and they will not fail to be enquired into. The other main charges are the forcible sowing and cutting of the Plant and their not being paid for it. There is also the fear of being made to sow next year, or rather of their lands being forcibly appropriated for the purpose. I have instructed these men to the same effect as explained above (*vide* paragraph 9,) in the case of the Sonakoonder Ryots.

12. About five-eighths to three-fourths of the Indigo has already been cut in the Salgamoodiah Factories, and Mr. Hampton, the Manager, who is stated to be most ready to meet the views of the cultivators, has expressed his readiness to pay them a fair cash value for the residue, on their giving him receipts for the sums so paid, the Indigo to be delivered and the money to be paid in the presence of the Deputy Magistrate. Many of the Ryots have agreed to these terms, on the recommendation of the Magistrate, but others still hold back, in the belief or the pretended belief, that they will not get the money even if they deliver the Plant; that their receipts will be made unfair use of on the pretence of their accounts being adjusted; and that they may also (and *this* seems the *greatest* ground of distrust,) be made the basis of a fresh claim on the part of the Factory next October.

13. If these causes of distrust are not removed within the next few days there will be no alternative (unless the Planter prosecutes under Act XI., which he does not seem to have any intention of doing,) but to allow the remaining Plant to rot on the ground. The season will be over in a few days. The Magistrate and Deputy Magistrate will, I feel assured, do their best to point out to the Ryots that it is for their interest

to let the Factory have the Plant at a fair cash value. I think they may very likely succeed; but the distrust on the part of the Ryots seems at present so strong that I have some doubt of the result.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(No. 434, dated the 30th July 1860.)

SIR,

I HAVE the honor to report the District quiet.

2. Several Factories are not working freely, but there appears to be no disposition to create a disturbance. Several petitions have been filed to the effect that the Factories were about to cut by force the complainants' crop on lands forcibly sown over and above their Khatas, and praying for protection.

3. I have taken the depositions of the Petitioners on oath.

4. They have invariably professed their willingness to give the crop if fairly paid, but alleged that the Factory would take it by force and pay nothing or next to nothing, and that any opposition offered on their part would result in a breach of the peace.

5. The Factory Mookhtears in these cases raised no claim to the land, merely asking whether the deponents held Khatas, and had sown Seed received from the Factory or not.

6. Under these circumstances, as the Ryots appeared to be the undisputed possessors of the land, I deputed the Police to the spot, with directions to prevent any one cutting the complainants' crop by force, and to report immediately if any one else claimed it.

7. I enclose a letter from Mr. Soupin, which will give the information you called for regarding his prices. He was fined this week in two cases of assault at the suit of some of his Coolies.

8. I have deputed Moulvee Mahomed to ascertain the facts of the Nazirgunge case. There is every reason to believe it groundless. The Darogah was not transferred as a punishment.

9. Wasifoodeen Khan is still at Hurinarainpore. His last report which I enclose shews that the Factories reported closed are again working with some difficulty.

From A. J. R. BAINBRIDGE, Esq., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(No. 451, dated the 6th August 1860.)

SIR,

I HAVE the honor to report the state of the District during the past week on the whole satisfactory.

2. In the three cases of assault brought against Mr. Soupin, of Damoodia, he was convicted and fined in two, the third was compromised yesterday.

3. The Police have reported the last strike at Mohimgunge, in the Comidpore Concern, settled.

4. The Manjiparah Concern has also come to some arrangement for cutting the crop on Chur Nulida. In the early part of the week there were a great many petitions from this quarter of the nature described in my last Report.

5. Mr. Landale, of Sonakhola, in the Messrs. Watson's Concern, came in to complain against certain Talookdars, who had intimidated his Ryots and Laborers, hitherto working up to date as usual, into striking. A copy of the order passed is submitted. A party of the Ryots from the same Concern also appeared subsequently. Owing to your arrival these men have, I believe, petitioned you instead of me.

6. The Deputy Magistrate, Moulvee Mahomed, deputed in the Nazirgunge case, has succeeded in tracing and securing the man alleged to have been kidnapped.

7. It is quite clear that, up to the time of his arrest, he was in the custody and chiefly in the house of Kallie Dhobie, who instigated and prosecuted the complaint. Sufficient evidence has been obtained to prosecute the complainants for conspiracy.

8. With reference to the complaint of Mr. Roberts' Hizlabut Concern and the demi-official correspondence thereon, copies of which were forwarded to me, I have to observe that Mr. Roberts has not addressed me or complained in any way of any slackness in dealing with his complaints.

9. On the 25th of July, Mr. Harris reported that he had complained against two parties in Village Azenil for intimidation, one of whom had been arrested. Beyond this he has instituted no complaints that I am aware of, though several cases were brought against him. I enclose Mr. Harris' letter and also Mr. Roberts'.

10. Sericole is a Concern in Magoorah, Jessore. Some of the Out-Factories are within this District. I understand the Manager is subordinate to Mr. Roberts.

11. The greater part of the crop in Hizlabut and Sericole has been got in. I think Mr. Roberts' appeal to Government made rather with a hope of getting a strong order passed on the Magistrate, is prospective, than from the emergency of the case at the time of his application.

12. The correspondence has been forwarded to Mr. Harris.

13. Wasifoodeen Khan is still on deputation at Hurinarainpore. The difficulty is more felt there than elsewhere, and his duty has been very trying. He however came into the Station yesterday, and reported ten annas of the crop cut.

14. The Ryots shew an unreasonable spirit; their demand is cash for the Plant before it is cut. Mr. Hampton agreed, if they would give an Howlutnama, or consent to settle debit and credit accounts afterwards according to the Factory Books. To this they demurred. Subsequently the Manager agreed to pay cash on a simple receipt, which in fact was their demand; still they refuse to work kindly, sometimes agreeing to take the money and again declining. I have recommended Mr. Hampton to produce his contracts and prosecute, but he prefers not, if it can be avoided.

15. The cultivators also have, on several occasions, demanded that their contracts be ordered to be produced within one day or so, declaring their willingness to abide the result.

16. It seems doubtful whether contracts which would stand trial exist in the majority of cases. The Deputy Magistrate therefore can do nothing beyond keeping the peace and endeavouring to effect an arrangement.

No. 4258.

Copy forwarded to the Government of India, in the Home Department, for information; in continuation of Endorsement No. 4193, dated 14th instant.

By Order of the Lieutenant-Governor of Bengal,

A. Money,

Offg. Secy. to the Government of Bengal.

Fort William,
The 15th August 1860.

From A. MONEY, Esq., C. B., Officiating Secretary to the Government of Bengal, to the Commissioner of the Rajshahye Division,—(No. 4249, date the 15th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 19, dated the 10th instant, submitting Reports from the Officiating Magistrate of Pubna on the state of affairs connected with the Indigo excitement in that District, for the weeks ending the 30th ultimo and 6th instant.

2. The Lieutenant-Governor considers these Reports to be satisfactory, and approves of your proceedings, as well as of those of the Officiating Magistrate, in regard to the disputes between the Planters and Ryots, relative to the cutting and delivery of the Plant now ripe for manufacture.

From H. M. REID, Esq., Commissioner of the Rajshahye Division, to the Secretary to the Government of Bengal,—(No. 33Ct., dated the 23rd August 1860.)

SIR,

I HAVE the honor to forward herewith copy of a letter from the Officiating Magistrate of Pubna, No. 460, of the 13th instant, reporting the state of his District, as regards Indigo matters, up to that date.

2. The District had remained quiet, and most of the Factories on the left bank of the Pudah had completed their manufacturing, having secured a first-rate crop with little loss. There had been no disposition shown on the part of the Ryots to destroy the Indigo crop, or forcibly to resist its being cut, and, on the other hand, no violence had been resorted to by any of the Factories to secure their crops.

3. Much difficulty had been continued to be experienced in the Salgamoodiah Concern, owing to the Manager having hesitated to pay the Ryots for the Plant on the ground, according to the terms demanded by them, *viz.*, a cash value in full without deductions. This matter is fully explained in the Officiating Magistrate's letter, and in the letter which he wrote with my approval to Mr. Hampton on the 9th instant, copy of which is annexed. If the Factory require the Plant, and are not prepared to sue the Ryot for it under the Act, I can see no reason whatever why they should object to take it, and pay for it in cash, in the

manner explained by Mr. Bainbridge, which appears to be fair to both parties.

4. The anticipated disturbance alluded to in the Officiating Magistrate's 8th paragraph appears to have had its origin in five of the servants of Mr. Roberts, of Hizlabut, having been arrested in the Magoorah Sub-Division, on a charge of having plundered a house. There were no signs of disturbance, and the case of alleged plunder, which appears to have occurred in Magoorah, was correctly left by the Assistant Magistrate of Comercolly in the hands of the Magoorah Police.

5. The communications of Messrs. Roberts and Macleod alluded to in the Officiating Magistrate's 10th to 12th paragraphs have not yet reached me. When they do so, they shall be forwarded, should it seem necessary, for the information of His Honor the Lieutenant-Governor.

6. The purport of the Petitions presented by the Ryots is explained in the Magistrate's 13th to 15th paragraphs. Many similar Petitions were presented to me during my late visit to Pubna. I think the object of them is probably that mentioned in Mr. Bainbridge's 14th paragraph, and I have intimated to that Officer my approval of the advice given to the Ryots as explained in his 15th paragraph, and of the orders passed on their Petitions as recited in his 16th paragraph.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to the Commissioner of the Rajshahye Division,—(No. 460, dated the 13th August 1860.)

SIR,

I HAVE the honor to report that the District continues quiet.

2. The Factories on this side the Ganges have completed or nearly completed their manufacture, and got in a first-rate crop with little loss.

3. No disposition to resist the Plants being cut, or destroy it by force, has been displayed during the week by the Ryots.

4. The Factories have in no instance resorted to violence to secure their crop.

5. Manufacturing continues in Salgamoodiah with difficulty. The Deputy Magistrate Wasifoodeen is still there with the Military Police.

6. The Factory do not sue for specific performance.

7. The Ryots demand cash for the Plant without deductions, and will recognize no claim to make deductions. They declare the Factory may cut the Plant, and leave them to sue in the Civil Court.

8. On the 5th Mr. Harris was obliged to go to Hizlabut as the Police reported a disturbance probable. He found no reason to conclude that men were assembling on either side. Five Factory servants had been seized, and were in custody of a Magoorah Burkundauz, charged with attempt to plunder a house in the Jessore line. The case was made over to the Jessore Authorities and Mr. Harris returned, leaving the Police on the spot until further orders.

9. Both Ryots and Planters have begun to look to and agitate for next season rather than the present crop.

10. Mr. Roberts has addressed Mr. Harris at length. He admits having secured his crop with little loss, but considers it his duty to bring the state of the country and of the minds of the Ryots to the attention of Government. His original letter shall be forwarded as soon as received from Mr. Harris.

11. Mr. Macleod, of Messrs. Watson & Co., came in to-day; you will shortly receive an English Petition from him. He has secured his crop with the exception of about forty maunds which he is likely to lose.

12. The pith of both these gentlemen's communications is that the Ryots are combining against European enterprize; that intimidation is being used to make the combination universal; that the roads are shut to their servants, who are not allowed to approach the Villages, are intimidated into leaving their service, and in some cases assaulted, of which they dare not complain, and cannot prove if they did. The object is to get a strong order passed upon the Executive which at present it is said encourages the Ryots.

13. The Ryots file numerous Petitions to the effect that the Factories are securing Lattials and are about to seize them to break up the stumps of the past crop, and renew their engagements.

14. These are all feelers, and not made with any object at present except to see the order, and to record a protest against next October.

15. Most of these Petitions are merely filed. I endeavour to impress on the givers the imprudence and impolicy of resorting to force.

16. When these persons are seized on their lands about to be sown, they can apply to me; if their lands are sown forcibly in spite of their protest, they can obtain redress under Act IV. The majority declare this to be their intention, saying they intend to see if the Magistrates will and can protect them, if not they will leave the country.

17. In my next Report, which I trust will close the season, I will write my opinion of the prospects of next season.

From A. J. R. BAINBRIDGE, ESQ., Officiating Magistrate of Pubna, to J. P. HAMPTON, ESQ., Salgamoodiah,—(No. 457, dated the 9th August 1860.)

SIR,

IN regard to the remainder of your crop upon the ground and the difficulty of cutting it, it would appear from the Deputy Magistrate's reports and the statements of the Ryots here, that their demand is cash for the Plant without deductions.

2. Your Naib will not forego deductions for old balances.

3. If you want the Crop I would really advise your conceding the demands.

4. The debit and credit between you can be settled hereafter in the proper Court.

5. If the Ryots refuse to give receipts, they will not object to the payments being made in the presence of the Deputy Magistrate, or to a list containing the names of the recipients and the amount paid being made at the time of payment. The Deputy Magistrate could not object to attest the correctness of a list made in his presence, and a list so authenticated would prove the payment, which I imagine is all you want.

No. XLIV.

From A. R. Young, Esq., Secretary to the Government of Bengal, to the Magistrate of Furreedpore,—(No. 4127, dated the 8th August 1860.)

Sir,

The Manager of the Puckadanga Indigo Concern having complained to the Owners in Calcutta of the wanton destruction of the Indigo Plant in that portion of the Concern which is situated in the Furreedpore District, and mention having been made in one of the Manager's letters of large heaps of the Plant, which had been cut and thrown away, having been shewn to the Police by whom it was brought to your notice, I am directed to request that you will report the facts as soon as possible, for the Lieutenant-Governor's information.

2. I am at the same time desired to forward for your information and guidance the accompanying copy of a letter of instructions on the subject of the destruction of Indigo crops, which has been issued to the Magistrates of the Indigo Districts in the Nuddea and Rajshahye Divisions.

No. 4128.

Copy forwarded to the Commissioner of Dacca for information.

From L. R. Tottenham, Esq., Magistrate of Furreedpore, to the Secretary to the Government of Bengal,—(No. 276, dated the 13th August 1860.)

Sir,

In reply to your letter No. 4127, dated 8th August, I have the honor to report, for the information of the Lieutenant-Governor, that, on the 24th July, my predecessor was informed, through a Police Report, that some Indigo Plant had been shewn to the Naib Darogah of Gopeenathpore Pharee lying amongst some jungle, where it had apparently been thrown away by the Ryots of the Concern referred to.

The Naib Darogah saw only a small quantity of the Plant; but he reports that the Factory people told him that there had been a large quantity removed by the Ryots before his (the Naib Darogah's) arrival on the spot.

2. On receipt of this report my predecessor ordered an immediate investigation by the Police, but in the meantime the Naib Darogah had set out to the investigation of a case of murder, and was therefore unable to proceed at once with the Indigo case. On the 3rd of August a Petition was presented to me on the part of the Factory regarding the same matter; and, as it appeared that there would probably be some delay before the Naib Darogah would be at liberty to enquire into this affair, I ordered the Petitioner to subpœna his witnesses, and bring the case at once into my Court. Up to this time nothing further has been done. There appears no reason to doubt the fact that a quantity of Indigo was actually cut and thrown away with a view to injure the Planter.

3. I should be glad to have instructions from Government as to whether Act XI. of this year should be applied to such a case when proved, with a view to give the Planter damages for the loss sustained by him.

From A. MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal, to the Magistrate of Furreedpore,—(No. 4511, dated the 29th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 276, dated the 13th instant, reporting that a complaint had been made to the Police of some Indigo Plant having been cut and thrown away by the Ryots of the Puckadanga Concern, and soliciting instructions as to whether Act XI. of 1860 should be applied to such a case when proved, with a view to give the Planter damages for the loss sustained by him.

2. In reply I am desired to refer you to the Act itself, the provisions of which, if studied, can hardly be mistaken, and must in all cases to which it relates be strictly observed. On a careful perusal of the Act you will not fail to distinguish between the Civil and Penal Clauses.

No. 4512.

COPY of the above, and of the one to which it is a reply, forwarded for the information of the Government of India, in the Home Department, in continuation of letter No. 4126, dated the 8th instant.

No. XLV.

From T. KINGSLEY, ESQ., Secretary to the Indigo Planters' Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 7th August 1860.)

SIR,

I AM directed by the Central Committee of the Indigo Planters' Association to beg that you will draw the attention of His Honor the Lieutenant-Governor to paragraph 4 of Mr. Commissioner Lushington's letter to your address, No. 198, of the 27th July.

2. In that paragraph Mr. Lushington says: "With regard to Mr. Molony's remarks regarding the cultivation of Indigo for Seed, my own impression is that the cultivators thoroughly understanding the signs of the times have determined not to cultivate a crop for which there will certainly be a very reduced demand, &c., &c."

3. The Committee respectfully protest against the expression, in Official correspondence, of such opinions in the present state of affairs, as prejudging the question and likely to increase existing difficulties.

4. The Committee feel the more warranted in doing so, inasmuch as this statement of Mr. Lushington affords another instance of how little he and other Government Officials know of the Indigo Planting business.

5. The Indigo Seed of Lower Bengal is highly valued, as producing a more bushy and more hardy Plant, and yielding a greater quantity of Leaf than that from Up-country Seed, but it is of slower growth and therefore only suited to land out of reach of inundation.

In addition, therefore, to its being used on high lands in Lower Bengal, it is eagerly sought after to sow in many Districts, such as Burdwan, Rungpore, Bhaugulpore, Tirhoot, and even Benares, though its high price lately has prevented its being used generally in these Districts for some seasons.

6. Even therefore, if the cultivation of Indigo for *manufacture* should unhappily be reduced in Lower Bengal, there will still be a fair demand for the *Seed* from the Plant; and, as stated in the evidence given to the Indigo Commission, and also by Mr. Molony, on this point, in which opinion the Committee concur, there is an influence at work to put down Indigo in any shape, which will be encouraged and increased by such expressions as those used by Mr. Lushington.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Indigo Planters' Association,—(No. 4151, dated the 9th August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter dated the 7th instant, conveying the objections taken by the Central Committee of the Indigo Planters'-Association to a remark contained in the 4th paragraph of Mr. Lushington's letter to Government, No. 198, dated the 27th ultimo.

2. The Central Committee will observe that the Officiating Commissioner recommends Local Officers to contradict by personal verbal denials of its truth, whenever occasion requires, the foolish rumour reported to be afloat amongst Ryots in Jessore, namely that Government has prohibited the cultivation of Indigo Seed under a penalty. This appears to the Lieutenant-Governor to be the best and indeed the only practical way of meeting such false and absurd rumours as they arise.

3. The Lieutenant-Governor is sure that Mr. Lushington, in expressing his opinion as to the motives from which such reports were spread, had not the most remote intention of increasing existing difficulties. The Magistrate had attributed the rumour to one conjectural cause; and the Commissioner, differing from that view, and attributing the rumour to another cause, thought it right to convey to Government his own conjecture as well as that of the Magistrate. There seems to be no evidence in support of either view. A copy of your letter will be sent for Mr. Lushington's information.

4. The Lieutenant-Governor trusts that there is no ground to fear that any rumour, with whatever object, or by whomsoever set afloat, will make any permanent impression which assumes the possibility of Government interference with the free cultivation of Indigo for any purpose.

No. 4152.

COPY of the above, and of the one to which it is a reply, forwarded to the Officiating Commissioner of Nuddea for information.

No. XLVI.

From T. KINGSLEY, Esq., Secretary to the Indigo Planters' Association, to A. R. YOUNG, Esq., Secretary to the Government of Bengal,—(dated the 27th April 1860.)

SIR,

I AM directed by the Central Committee of the Indigo Planters' Association to enquire, with reference to the preamble of the Bill to enforce the fulfilment of Indigo contracts, whether any preliminary steps have yet been taken by the Lieutenant-Governor in regard to the appointment of a Commission for the purpose indicated in the preamble; and, if not, to beg that you will have the goodness to request His Honor to favor the Committee with information as to what his intentions are both as to the exact time at which a Commission is to be appointed and its proposed constitution.

2. I need not point out how deeply interested the Members of the Association are in the measures which may be taken by the Local Government in pursuance of the notice given; and I therefore venture to express a hope that the Lieutenant-Governor will have the kindness to give the Association as early notice as possible of His Honor's intention in regard to the Commission.

From A. R. YOUNG, Esq., Secretary to the Government of Bengal, to the Secretary to the Indigo Planters' Association,—(No. 2103, dated the 30th April 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter dated the 27th instant, and in reply to state that the Indigo Planters' Association may rest assured that the appointment of the Commission, provided for in Act XI. of 1860, will not be delayed a day after the time arrives when the enquiry can be commenced with safety to the Planters in those places where the question of sowing is not yet practically settled one way or the other. According to the information received by the Lieutenant-Governor, that time will not arrive until after the middle of next month. A Commission of Enquiry, to report before the next sowing season commences, has been formally promised to the

Ryots; and all parties interested may feel satisfied that this promise will be kept.

As regards preliminary arrangements, the Lieutenant-Governor desires me to say that none remain unmade which will not be completed before the proper time comes for constituting the Commission. And as to the constitution of the Commission, the Lieutenant-Governor's object is so to constitute it that its fitness fairly to gather, record, discuss, and report upon the material evidence on all sides will be generally admitted.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Indigo Planters' Association,—(No. 2118, dated the 2nd May 1860.)

SIR,

I AM desired by the Lieutenant-Governor to request that the Indigo Planters' Association will do him the favor to name a Planter who is willing to sit on the Commission of Enquiry to be constituted under Act XI. of 1860. If they will do this, the Lieutenant-Governor will have much pleasure in appointing their Nominee to be a Member of the Commission, which will consist of five Members.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Honorary Secretary to the British Indian Association,—(No. 2119, dated the 2nd May 1860.)

SIR,

I AM desired by the Lieutenant-Governor to request that the British Indian Association will do him the favor to name a Native Gentleman who is willing to sit on the Commission of Enquiry to be constituted under Act XI. of 1860. If they will do this, the Lieutenant-Governor will have much pleasure in appointing their Nominee to be a Member of the Commission, which will consist of five Members.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(No. 2222, dated the 5th May 1860.)

SIR,

IN conformity with the provision of Section XII., Act XI. of 1860, the Lieutenant-Governor desires now to make arrangements for

appointing a Commission for the purpose of enquiring into and reporting on the system and practice of Indigo Planting in Bengal, and the relations between the Indigo Planters and the Ryots and holders of land in Bengal. As these arrangements involve some outlay, I am directed to state them for the information of the Hon'ble the President in Council, with a request that the proposed expenditure may be sanctioned.

2. The Lieutenant-Governor proposes to appoint five Members of the Committee, of whom Mr. Seton-Karr, of the Civil Service, will be one, and President of the Committee; Mr. Temple, of the Civil Service, has also been nominated by the Lieutenant-Governor; and the Rev. J. Sale, a Missionary, who has consented to act, and will represent the interests of the Ryots in the Committee. The other two Members will be Nominees of the Indigo Planters' Association and the British Indian Society respectively, if these Societies will comply with the request of the Lieutenant-Governor that they should nominate persons willing to serve on the Committee.

3. While the Committee is sitting the time of the Members will be fully occupied with its business, and it is not to be expected that the Non-official Members will be prepared to give up a large portion of their time to this enquiry without some remuneration; nor must any of the Members be put to expense in prosecuting this enquiry.

4. The Lieutenant-Governor proposes, therefore, to allow to each of the Non-official Members Rupees 10 per diem, to cover his ordinary expenses, while the Committee is sitting in Calcutta or elsewhere; and in addition to this, to defray the actual travelling expenses of all the Members (except Mr. Seton-Karr,) when absent from Calcutta on business connected with the Enquiry on which the Committee is engaged.

5. To Mr. Seton-Karr, who, but for his selection to be President of this Committee, would have been appointed Officiating Commissioner of Chittagong, which appointment has just fallen vacant, the Lieutenant-Governor proposes to assign the pay and allowances which he would have received in that appointment, and which include travelling allowance.

6. A small Establishment will be required by the Committee, the scale of which had better be fixed by the Committee themselves, and will be hereafter reported.

7. Office accommodation can be provided for the Committee in a House in Kyd Street, lately occupied by the Chief Engineer, whose Establishment has been transferred to this Office.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Government of India, Financial Department,—(No. 2209, dated the 5th May 1860.)

SIR,

I AM directed to solicit the permission of the Hon'ble the President in Council to the nomination of Mr. R. Temple, Chief Commissioner of Currency and Chief Assistant to the Financial Member of Council, for special service, to be a Member of a Committee which the Lieutenant-Governor is about to appoint under Section XII., Act XI. of 1860, for the purpose of enquiring into and reporting on the system and practice of Indigo Planting in Bengal, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal aforesaid.

From C. H. LUSHINGTON, ESQ., Secretary to the Government of India, Financial Department,—(No. 3699, dated the 7th May 1860.)

THE Hon'ble the President in Council has no objection to the nomination of Mr. Temple to be a Member of the proposed Committee.

ORDERED, that a copy of the above be sent to the Government of Bengal for information.

ORDERED also, that a copy of the above be sent to Mr. Temple for information.

From T. KINGSLEY, ESQ., Secretary to the Indigo Planters' Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 5th May 1860.)

SIR,

I AM directed by the Central Committee of the Indigo Planters' Association to acknowledge the receipt of your letter of the 2nd instant, No. 2118, requesting the Committee to name an Indigo Planter with the view to his being appointed a Member of the proposed Commission of Enquiry, and in reply I beg to state that no Planter of

sufficient standing and experience being available at this season of the year, and in the present state of the Indigo Districts, for service on the Commission, the Committee have desired me to put forward the name of Mr. W. F. Fergusson, (a gentleman whose great experience and knowledge of the subject of the proposed Enquiry eminently fit him, in the opinion of the Committee, for the office), and to request that the Lieutenant-Governor will have the goodness to nominate him a Member of the Commission.

2. The Committee have no hesitation in submitting the above recommendation, because they are convinced that the Lieutenant-Governor's desire is only that the whole body of Planters should be fittingly represented.

From BABOO ISSUR CHUNDER SINGH, Honorary Secretary to the British Indian Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 10th May 1860.)

SIR,

I HAVE the honor, by direction of the Committee of the British Indian Association, to acknowledge the receipt of your letter of the 2nd current, requesting the Association to "name a Native Gentleman who is willing to sit on the Commission of Enquiry to be constituted under Act XI. of 1860."

In reply the Committee desire me to inform you that they propose Baboo Chunder Mohun Chatterjea, formerly a Deputy Magistrate of Moorshedabad, as the Nominee of the Association, for the proposed Indigo Commission, and they will feel thankful by your moving His Honor the Lieutenant-Governor to give effect to the proposal.

The Committee request you will do them the favor to convey to His Honor the acknowledgments of the British Indian Association for the courtesy he has exhibited towards the Society, and the care he has taken for the proper composition of the Commission.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to W. S. SETON-KARR, ESQ., C. S.,—(No. 2343, dated the 10th May 1860.)

SIR,

I AM directed to inform you that, under the provisions of Section XII., Act XI. of 1860, the Lieutenant-Governor has appointed

you to be President of the Commission to enquire into and report on the system and practice of Indigo Planting, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal. The other Members of the Commission are Mr. R. Temple, of the Civil Service, Mr. W. F. Fergusson, the Rev. Mr. J. Sale, and Baboo Chunder Mohun Chatterjea.

2. Office accommodation for the Commission has been provided at No. 13, Kyd Street, in the Building recently vacated by the Office of the Chief Engineer, Lower Provinces.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to R. TEMPLE, ESQ., C. S.; W. F. FERGUSSON, ESQ.; BABOO CHUNDER MOHUN CHATTERJEA, and REV. J. SALE,—(Nos. 2344-47, dated the 10th May 1860.)

SIR,

I AM directed to inform you that, under the provisions of Section XII., Act XI. of 1860, the Lieutenant-Governor has appointed you Commissioners to enquire into and report on the system and practice of Indigo Planting, and the relations between the Indigo Planter and the Ryots and holders of land in Bengal. Mr. W. S. Seton-Karr, of the Civil Service, has been appointed President of the Commission of which you are Members.

2. Office accommodation for the Commission has been provided at No. 13, Kyd Street, in the Building recently occupied by the Office of the Chief Engineer, Lower Provinces.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Chief Engineer, Lower Provinces,—(No. 2265, dated the 9th May 1860.)

SIR,

I AM directed by the Lieutenant-Governor to request that you will be so good as to make over the Building in Kyd Street, recently vacated by your Office, for the accommodation of the Office of the Inspector-General of Jails, Lower Provinces, and of the Committee

appointed under Section XII., Act XI. of 1860, to enquire into and report upon the system and practice of Indigo Planting in Bengal.

No. 2266.

COPY forwarded for the information of the Inspector-General of Jails, Lower Provinces.

No. 2364.

COPY forwarded for the information of W. S. Seton-Karr, Esq., President of the Committee of Enquiry.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to W. S. SETON-KARR, ESQ., President of the Committee to enquire into and report on the system and practice of Indigo Planting, and the relations between Indigo Planter and the Ryots and holders of land in Bengal,—(No. 2365, dated the 11th May 1860.)

SIR,

I AM directed to forward herewith, for the use of the Committee, six copies of "Selections from the Records of the Government of Bengal, No. 33, Parts I. and II.," containing papers relating to Indigo cultivation in Bengal.

2. A perusal of these papers will explain to the Committee the circumstances which have led to the appointment of a Commission of Enquiry. It will be seen that, for some years past, the disputes which have arisen between Planters and Ryots at the season for sowing the Indigo crop have been watched with anxiety by Government. In the present year, as the sowing time approached, a more determined objection to Indigo cultivation than ever was suddenly manifested by the Ryots of some Districts. An intention to repudiate agreements to cultivate Indigo, which had been lately entered into in the usual manner, and on the usual terms, was reported to be spreading amongst them; and to such an extent was this feeling supposed to prevail, as to threaten a sudden and great commercial calamity.

3. To avoid this calamity a Bill of a temporary nature was proposed to the Legislative Council, for the purpose of enforcing summarily the

fulfilment of Indigo contracts in the current season, pending a Commission of Enquiry, which was promised at the close of the season.

4. In the Act,* as passed, the appointment of the proposed Commission is duly provided for, the objects of the Enquiry are explained, and ample powers are given to the Commissioners for the purpose of obtaining all the evidence necessary.

* No. XI. of 1860, Sections XII. to XVIII.

5. The printed Selections now forwarded contain all correspondence of interest, recorded in the Office of the Secretary to the Government of Bengal, bearing on the subject of Indigo cultivation from 1854 to the 1st May 1859, and everything whatever bearing on the same subject on record between the latter date and the 1st May 1860. All further papers which have been since received and recorded, or may hereafter be received on the same subject, will be furnished for the information of the Committee and any assistance which it may be in the power of the Lieutenant-Governor, or of the Officers subordinate to him, to render to the Commissioners in the course of their enquiry, will be promptly afforded.

6. It is hardly perhaps necessary that the Lieutenant-Governor should point out the desirability of your Committee bringing their enquiry to a close, and reporting its results in time to admit of a resolution on the subject being come to by the Executive Government; and of a Bill being passed through the Legislative Council before the commencement of next sowing season, if permanent legislation on the subject should be considered to be necessary.

From W. GREY, ESQ., Secretary to the Government of India, in the Home Department, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 899, dated the 12th May 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 2222, dated the 5th instant, and in reply to state that the President in Council is pleased to approve of the arrangements proposed by the Hon'ble the Lieutenant-Governor in connection with the appointment of a Commission of Enquiry under Act XI. of 1860.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to W. S. SETON-KARR, ESQ., President of the Commission to enquire into the system of Indigo Planting in Bengal,—(No. 2525, dated the 16th May 1860.)

SIR,

I AM directed to forward, for the information of your Committee, a copy of the correspondence with the Government of India, noted in the margin, relative to the allowances which the Members of the Commission will be entitled to draw while engaged in carrying out their enquiry.

Letter to Secretary to Government of India, Home Department, No. 2222, dated the 5th May 1860.
Letter from Secretary to Government of India, Home Department, No. 899, dated the 12th May 1860.

2. You will have the goodness to submit, as soon as convenient, a Tabular Statement of the Establishment which will be required by the Committee.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Civil Auditor,—(No. 2528, dated the 16th May 1860.)

SIR,

I AM directed to forward, for your information, a copy of the correspondence with the Government of India, noted in the margin, relative to the allowances to be drawn by the Members of the Commission appointed under Act XI. of 1860, to enquire into the system of Indigo cultivation in Bengal.

Letter to Secretary to the Government of India, Home Department, No. 2222, dated the 5th May 1860.
Letter from Secretary to the Government of India, Home Department, No. 899, dated the 12th May 1860.

No. XLVII.

From T. KINGSLEY, ESQ., Secretary to the Indigo Planters' Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 23rd June 1860.)

SIR,

IN reference to the last Section of Act XI. of 1860, which relates to punishment for false evidence given before the Indigo Commission, I am desired by the Central Committee of the Indigo Planters' Association to request that the Lieutenant-Governor will have the goodness to inform them whether it is the intention of Government to prosecute witnesses who may have perjured themselves before the Commission, or whether it is intended to leave the prosecution of such persons to private parties.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Indigo Planters' Association,— (No. 3481D., dated the 30th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter dated the 28th instant, and in reply to state that, should any such case as is therein supposed be brought to notice, the Government would act according to the information received, and the particular circumstances of the case, under legal advice, and probably after consulting the Indigo Commission on the subject. The Lieutenant-Governor is unable therefore to give a general answer, one way or the other, to the question asked by the Central Committee of the Indigo Planters' Association in your letter under acknowledgment.

No. XLVIII.

From A. R. Young, Esq., Secretary to the Government of Bengal, to F. L. Beaufort, Esq., C. S.,—(No. 3646, dated the 11th July 1860.)

Sir,

I am directed to forward to you the accompanying Extract from the evidence of Moonshee Luttafut Hossein, a Zemindar, before the Indigo Commission. From the date of the Perwannah filed by him it would appear that you are the Officer alluded to as the Magistrate who threatened the said Zemindar with the confiscation of his Estates, with a view to induce him to give a farm of a portion of those Estates to a Mr. McLagan, an Indigo Planter.

2. The Lieutenant-Governor desires that you will submit any explanation you may have to give of this transaction.

Extract from the evidence of Moonshee Luttafut Hossein.

Q. Are Magistrates in the habit of using their influence to induce Zemindars to give lands in putni or lease to the Planters?

A. I can't speak of what the general practice may be; but the Magistrate of Jessore sent me a Perwannah recommending me to give a lease to Mr. McLagan, and, if I did not, threatening to report me to Government, with a view to the *confiscation of my Estates.* This Perwannah is dated 1st January 1851. I file it.* I did not give the lease, but I complained to the Superintendent of Police, who called for an explanation from the Magistrate, and, I believe, reprimanded him. Since that I was very well treated by the Magistrate.

---

* (Translation.)

Hookumnamah of the Fouzdaree Court, Jessore.

To Moonshee Khelafut Hossein.

Moonshee Luttafut Hossein.

Mussammat Budun Bebee, Executrix of Hadayut Hossein, Talookdars of Turruf Garguria.

"Whereas your servants and Ryots by deceit and trickery, and by force and cutting of crops, have encroached on the land decreed to

Mr. McLagan, Proprietor of the Goldar Factory, under orders under Act IV., and are stirring up various disputes and quarrels. Consequently, if this sort of thing goes on in future, there is a possibility of a serious affray. For this reason, and in order that for the future you may be vigilant, and refrain from unnecessary quarrels, it is written to you that you shall threaten and advise those servants and Ryots, that they may refrain from such evil acts and keep quiet; otherwise, if they shall not desist from unnecessary quarrels, by such evil and false practices they will be convicted and punished, and a report will be made to the Government, with a view to your above-mentioned *Estates being confiscated* (zabt). Practically you get this friendly advice, that you shall make some kind of arrangement for giving the aforesaid gentleman a lease or a potta of some of your Mehals, and for terminating disputes."

From F. L. BEAUFORT, ESQ., C. S., to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 12th July 1860.)

SIR,

I HAVE the honor to acknowledge the receipt, this evening, of your letter No. 3646, of the 11th instant.

2. The transaction to which you refer occurred so many years ago that I have not a very clear recollection of the circumstances; but the main facts, as far as my memory serves, were these:—In consequence of numerous complaints of affrays and collisions between the servants and Ryots of Moonshee Luttafut Hossein and his brother on the one side, and the servants of the Goldar Indigo Factory on the other, I proceeded to the spot and investigated the cases, and the causes which had produced them, and found that they originated in the chicane and forcible opposition of the Zemindar's servants to the cultivation of Indigo on lands which had been decreed to the Planter. The cultivation was all *Nizabad*, and therefore there was no dispute between the Ryots and the Factory; but the employés of the Zemindar were endeavoring by every possible means to prevent Mr. Savi, the Manager of Goldar, from cultivating the lands, the possession of which had been legally secured to him by various decrees under Act IV., 1840, pending the decision of the Civil suits between the parties. I did all that a Magistrate can do to arrange matters, by punishing where punishment was unavoidable, by

visiting all the lands and talking to the Ryots, and by remonstrating against any appeal to force in lieu of patiently abiding the results of the Civil actions. But I found that the sole cause of the continued disturbances was the conduct of certain servants of the Zemindars of bad character; and as the Zemindars were absentees, who never visited their Estate, I deemed it right to inform them of the state of affairs which had come to my knowledge, and to warn them that a continuance of these outrages might lead to the interference of Government.

3. That interference did not mean confiscation, but attachment; and I think that my threat had reference to a recent instance of the attachment of Estates in Pubna by order of Government, in consequence of serious affrays between the Zemindars and a Planter, in which the conduct of the former had led to their being treated as disqualified Proprietors.

4. Referring to the translation of the Perwannah, which you have sent to me, I think that it does not fairly represent the meaning of the concluding sentence. Certainly my meaning was that the Zemindars being absentees, and on that account being unable to control their servants, should either give a lease of the lands in dispute (a mât which separates the Factory from the Zemindar's Village), *or* should have recourse to some other measure for terminating the disputes. It was not intended to dictate to the Zemindars that they must give a lease, but merely to suggest one means of stopping outrages which had become of serious import. But whether the actual words have been rightly translated or not, it must be obvious that Moonshee Luttafut Hossein has quite misrepresented the meaning of the Perwannah, when he says that the threat of confiscation was the alternative of not giving a lease, for that threat had reference only to the continuance of the disturbances. And, from the way in which the whole document reads, I am inclined to think that the last sentence was added by me after the Perwannah had been written in the usual course by the Amlah, and that it was written in haste, without sufficiently considering the meaning that might be attached to the words.

5. However this may be, I can safely affirm, if indeed any such affirmation is necessary, that my meaning was perfectly impartial, and that the Perwannah was intended to be taken simply in the light of friendly advice. But it was not so taken; the Zemindar to whom it was addressed construed it then as now to convey a threat, and

complained to Mr. Dampier, the Superintendent of Police, regarding it. That Officer called upon me for a report; and ultimately expressed his disapproval of the Perwannah, on which I hastened to explain to the Zemindar's Mookhtear, and, I think, by a fresh Perwannah addressed to themselves the purport of Mr. Dampier's orders and the real objects which had actuated me in the first communication which I had made to them; and it is not in good faith that the Moonshee still pretends to think that I threatened him with the confiscation of his Estates, or the displeasure of Government, if he did not give a lease of the land to the Planter. In the face of Mr. Dampier's orders I will not contend that the Perwannah in question was unobjectionable, or not liable to be misconstrued, but I do contend and affirm that the motive which dictated it was in no respect deserving of blame.

6. Such is my recollection of the facts. I observed, a short while since, in the Reports of the Sudder Court, that the result of the Civil suits went to confirm the views which I had previously adopted of the rights of the respective parties; and to mulct these Zemindars for the misconduct of their servants. But into that question it is unnecessary to enter. The only point on which the Lieutenant-Governor requires explanation is the accusation that I misdirected my influence as Magistrate to induce a Landholder to grant a lease of his land to a Planter; and I have shewn that I had no such intention.

7. As my conduct has been called into question, I will add that I had at that time been Magistrate of Jessore for several years, and that my character was too well known for any one to believe that I ever exerted my influence on one side rather than the other. An enquiry into my administration of that District would shew that I was peculiarly successful in putting a stop to the affrays and disturbances for which it had been notorious, and that by my mediation many quarrels of long standing were brought to an amicable conclusion. But no one can say that I ever shewed favor to any man, black or white, or that I ever relaxed in my efforts to do justice between man and man; and I have reason to know that even those whom I punished admitted my impartiality. I believe that the Perwannah, which has now been brought forward, was the single proceeding with which Mr. Dampier had occasion to find fault, and I regret that it was written; but I repeat that it would not have been deserving of censure if it had been received in the same spirit in which it was dictated. It was and is convenient for Moonshee

Luttafut Hossein so to construe it; but, if he believed the charge at the time, I am quite sure that he has no longer any reason to give credit to it. And I cannot help observing that, however much a threat of that nature might be calculated to influence the mind of a small Landholder residing in the Mofussil, and anxious not to displease the Magistrate of the District, it would not be expected to weigh nor could it have any real weight with a person brought up as the Moonshee has been, and continuously residing in Calcutta. And if any proof is required of the fairness of my proceedings towards both Planters and Native Landholders, it might be found in the fact that at that very time another Manager in the same Indigo Concern was complaining that my order in regard to a separate series of disputes was too favorable to the Zemindar.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to F. L. BEAUFORT, ESQ.,—(No. 3772, dated the 18th July 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter of the 12th instant, in which you explain a transaction referred to in the evidence of Moonshee Luttafut Hossein before the Indigo Commission, connected with a Perwannah issued by you, when Magistrate of Pubna, in January 1851.

2. The Lieutenant-Governor fully accepts your assurance that you had no intention in issuing that Perwannah to threaten the Moonshee with the attachment of his property, or the displeasure of Government, if he did not give, as you advised, a lease to a certain party. But the juxtaposition of the threat and the advice gave room for the interpretation put upon the Perwannah, which is greatly to be regretted. It would have been better perhaps, under any circumstances, to have abstained from giving the Zemindar any advice as to the disposal of his own property; and certainly the occasion of conveying to him such a serious threat as your Perwannah contained was not a proper opportunity for giving such advice.

3. As, however, the measure was disapproved by the Superintendent of Police, and the misinterpretation of your meaning was corrected at the time by yourself, no further remark on the subject is necessary.

No. XLIX.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 215Ct., dated the 13th August 1860.)

SIR,

I RESPECTFULLY beg to solicit the attention of the Lieutenant-Governor to the accompanying authenticated copy of the evidence of Mr. Mears before the Indigo Commission, and, with reference to his remark* that instructions from myself as Commissioner have affected the judicial independence of the Principal Sudder Ameens in the trial of breach of contract cases under Act XI., to assure the Lieutenant-Governor that these remarks of Mr. Mears must have been founded on some misapprehension.

See A. in red ink.

2. On the appointment of Messrs. Bell and Davidson to this special duty in Kishnaghur, I had only one separate interview with each of them. On each occasion my remarks were of the same tenor, *viz.* that in the disposal of these cases they must act entirely on their own judgment, and be guided by their own good sense in each case without fear of any man. I also added that they would learn from Mr. Herschel how the Magistrates had hitherto been conducting these suits, and the principles which, after much careful consideration, had been at last adopted in estimating damages, but I particularly enjoined on them that if they thought these principles susceptible of improvement, they were at full liberty to make any, and to consider themselves only so far bound by the views of their predecessors as might appear to them to be just and proper.

3. No Circular has ever been addressed by me to these Officers, and neither can I call to recollection that I have recorded any remark on any one of their decisions which would have led them to look for any proofs in disposing of these cases which had not previously been suggested to them by their own intelligence and discrimination.

P. S.—The return of the enclosure is hereby solicited when no longer required.

From H. BELL, ESQ., Under-Secretary to the Government of Bengal, to W. S. SETON-KARR, ESQ., President of the Indigo Commission,—(No. 4271, dated the 16th August 1860.)

SIR,

I AM directed to forward, for the purpose of being laid before the Commission, the accompanying copy of a letter No. 215, dated the 13th instant, from the Officiating Commissioner of the Nuddea Division, in which he offers some remarks in refutation of a statement made by Mr. George Mears in his deposition before the Commission, to the effect that, as Commissioner, he had issued instructions affecting the judicial independence of the two Principal Sudd Ameens deputed to try cases under the Indigo Act, No. XI. of 1860.

From W. S. SETON-KARR, ESQ., President of the Indigo Commission, to H. BELL, ESQ., Under-Secretary to the Government of Bengal,—(No. 111, dated the 24th August 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 4271, dated 16th August 1860, and to state that the Commission were not under the impression that Mr. E. H. Lushington had issued instructions affecting the judicial independence of Messrs. Bell and Davidson, Principal Sudder Ameens.

No. L.

From T. KINGSLEY, ESQ., Secretary to the Indigo Planters' Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 10th May 1860.)

SIR,

AT the request of the Meeting of Planters held at Nischindipore on the 26th ultimo, and by desire of the Central Committee of the Indigo Planters' Association, I have the honor to enclose copies of the communications noted on the margin, relative to the conduct of Mr. Herschel, the Magistrate of the Nuddea District.

Letter from Mr. A. Hills, of Katcheekatta, dated 3rd May.
Letter from Mr. Mears, of Sindooree, dated 3rd May.
Letter from Mr. Tweedie, of Lokenathpore, dated 2nd May.

2. Making some allowance for the feelings of excitement under which the letters may have been written by men seeing the destruction of their property imminent, the Committee have the most entire confidence in the correctness of the facts stated, and look upon them as ample proof that Mr. Herschel has not the necessary decision of character and soundness of judgment necessary to deal with the excited state of the people of his District.

3. The Lieutenant-Governor will observe that the Districts of Jessore and Pubna are perfectly quiet, and that in them the sowings have been completed, and the Committee feel justified in urging upon His Honor the necessity of placing another Magistrate in charge of Kishnaghur, simply as a question of policy and expediency in the present disturbed state of that District.

P. S.—Copies of further letters from Messrs. Forlong and Roberts are also enclosed, and I request the favor of your returning Mr. Tweedie's letter, which is forwarded in original to save time.

From A. HILLS, ESQ., to JAMES FORLONG, ESQ.,—(dated the 3rd May 1860.)

MY DEAR FORLONG,

I SECONDED a Resolution proposed by Mr. Mears at the Meeting of Planters held at Nischindipore on the 26th ultimo, in which Mr. Herschel's conduct towards our body was strongly animadverted upon.

On this point Messrs. Mears and Tweedie, as the parties most prominently brought forward, must have written fully, so I shall not touch on it, but proceed to prove that, if ordinary firmness and sagacity had been shown instead of vacillation and utter blindness to the weak points in the character of the Bengallee Ryot, not only would this Concern under my charge have been restored to peace and quietness, but in my opinion the whole District of Kishnaghur.

The disturbance here first originated from the machinations of two or three designing men who were in the habit of assembling nightly at their houses two and three hundred Ryots from all the Villages round about, and they were summoned to appear through *the Police*. This was represented very strongly to Mr. Maclean, who had been sent out to this part of the District by Mr. Herschel, but the meetings continued, and were, I have heard, pronounced by the latter gentleman to be "quite constitutional." At these "constitutional meetings" false Perwannahs were read to the ignorant Ryots to the effect that the cultivation of Indigo had been put an end to by the new Government of the Queen. The chief ringleader of this disturbance, Mohes Chatterjee, was bound over to keep the peace on a penalty of 200 Rupees. Proof could not be had against him, except the evidence of our Factory servants, such was the combination among the Ryots, but a sensible man must have been convinced of his guilt, and one with decision of character would then and there have sent him into the Station. Such a step would have settled the whole affair, instead of that, hundreds of ridiculous and false complaints against the Factories were taken, and it was refreshing to the patriotic eye to see this new way of raising money, each Ryot paying down eight annas in cash for his *Durkhast*. Towards sunset the weary, jaded-looking Magistrate would issue from his tent, the assembled multitude were ordered to sit down, as natives only can sit, and the scene became truly oriental. A speech made by Mr. Herschel in the Southern part of his District was then read, it proved very logically that if Dhan advances were worked off so ought the Indigo ones, but that it was quite optional to them (the Ryots) to perform the latter. This clause of the speech, and it alone, was greedily seized upon by the Ryots, and they dispersed praising Allah and other heathen deities. All sorts of reports were kept in circulation that the cultivation of Indigo had been stopt, drums were daily beaten, village after village taking up the

sound, and in five minutes the whole country would be raised to the distance of twelve and fourteen miles in length. In almost every village two or three *Maduts* were placed to prevent, as they said and the natives believed, the Planters or their servants from sowing Indigo. If this was done by the order of the Magistrate it was most injudicious encouragement to the Ryots; if, without his knowledge or consent, it proves how little the Darogah cared for or felt his authority. After the new Bill was passed for enforcing Indigo contracts, the Ryots became fairly puzzled, and in my presence told Mr. Graham Taylor that, if the other Magistrate had not informed them at Doorgapore that it was optional for them to fulfil their contracts, they would never have quarrelled with the Factory. Mr. Taylor's position under these circumstances was as embarrassing as it could well be, for he had to condemn to three months' imprisonment people who acted on the words of another Magistrate, whom they well knew to be his superior Officer; even then matters were on the point of being settled, particularly as an order had been sent to the Darogah that the lands measured for Indigo were not to be sown in Paddy. This might not be correct according to the strict letter of the Law, but the emergency of the case demanded something of the kind, and the result would have been better for the Ryots. It was too, the one solitary act of decision displayed by the Authorities of this District, and on that account was evidently considered to be too conspicuous, for it was quickly followed by the famous Perwannah of the 20th April, issued by Mr. Herschel, that the Indigo land might be sown in Paddy. At the same time Mr. G. Taylor is appointed to the Magoorah Sub-Division, the report at once being circulated that he was fined 1,000 Rupees, and removed for sending the Ryots to prison; that they would all be released, and might sow Paddy in Indigo lands. Such disorder then ensued over the District and even spread into the neighbouring one of Jessore, that a third Perwannah dated 23rd April was necessary, the purport of which was that Paddy must not be sown in the Indigo lands. The only result of this third order is to bring the Authorities into contempt, to destroy the little confidence left, and to make the common people more sceptical than ever of any order which is in favor of Indigo cultivation. About the 18th of last month all were prepared to settle, and in another week as I have mentioned before, this Concern would have been as quiet as it has been for years. The Ryots of Bamundy and Joradah would have

followed; now nothing remains but to push on our cases against a population worried and fretted by contradictory reports and orders into such a state of exasperation that it will not surprise me to see resistance offered to the legal Authorities in each case of distraining for the damages awarded, besides overcrowding the Jails with people who have really been brought there by these very Authorities. The climax to this state of things is that we are now left without a Magistrate at all, and with apparently no prospect of getting one. Before concluding, I must, as a contrast to this state of things in Mr. Herschel's District, mention that one Factory of this Concern called Poradah, which lies within the boundary line of the Pubna District, has been quiet throughout, and with the last rains finished its sowings. All my neighbours who have Factories situated some in Kishnaghur and others in Pubna and Jessore, but belonging to the same Concern, can bring forward a similar statement, *viz.*, everything quiet, and the sowing completed in the two latter Districts; anarchy and confusion in the former. For this season our prospects are ruined, and all we have to depend upon are our October sowings, the Plant of which we shall never manufacture if Mr. Herschel remains and matters are carried on in the way they have been for the last three months. The state of this District compared to Jessore and Pubna ought to be quite sufficient proof that Mr. Herschel is not the right man for Kishnaghur.

From G. MEARS, ESQ., to the Secretary to the Indigo Planters' Association, Calcutta.

SIR,

At a Meeting of Indigo Planters held at Nischindipore on the 26th April, the conduct of Mr. Herschel, the Magistrate of Nuddea, was commented on, and in Resolution 4, it was decided that it be immediately brought to the notice of the Lieutenant-Governor, with a view to his appointing another Magistrate to the District.

I therefore beg you will lay this before the Central Committee, that they may make use of it in bringing Mr. Herschel's conduct to the notice of the Lieutenant-Governor.

1*st*. I would bring to notice Mr. Herschel's general bias against the Planters, particularly observable in the one-sided and unfair

manner all cases connected with the Lokenathpore Concern have been decided by either Mr. Herschel, or Mr. Maclean, his Assistant, who seems to be much led by the opinion and wishes of his Superior. These cases will be particularly explained by Mr. Tweedie, in whose division of the Concern they mostly took place.

2*nd*. Mr. Herschel's untruthful report of the 17th March to the Commissioner, in which he totally misrepresented my conduct with regard to the Dood Pattee fire case, he stating that I showed no desire to remove the suspicion of the Ryots against the Factory people, whereas I did all I could to do so. I offered Rupees 1,000 to ascertain who was the offender or instigator. I also offered the Ryots of this village Rupees 200 as a present to help them to rebuild their houses, though they at the time were doing their utmost to ruin the Concern, but in the face of this Mr. Herschel, in the same report, says—"Mr. Mears of Lokenathpore refuses any, the slightest concession, and the Ryots are proportionately exasperated."

This fire case was most grossly exaggerated by Mr. Herschel, he stating in his report that several hundred Ryots' houses were burnt, whereas the truth is, only the houses of *six Ryots*, with their out-sheds, were burnt. This case shows clearly how prejudiced Mr. Herschel is, and how ready he is to bring any charge against the Planter, though there may not be a shadow of truth in it.

Mr. Maclean, in speaking of this case, said he was sorry that it had been mentioned in the Legislative Council by Mr. Sconce, as there was not the slightest proof that our Factory people had anything to say to it, and that he, as a Magistrate, did not believe they had.

3*rd*. I would bring to notice Mr. Herschel's extraordinary and most mischievous order of the 19th or 20th April, in which he cancels an order given by Mr. Maclean to the effect that Ryots were not to be allowed to sow Indigo lands with Paddy, and desires the Police to give the Ryots notice that they may sow *where* and *what* they like.

Since that order was made public, the Ryots of the Lokenathpore Concern have sown nearly the whole of our Indigo lands in Paddy; both Nyzabad as well as Ryottee.

4*th*. I beg to state, as my firm opinion, that had Mr. Herschel not been Magistrate of Nuddea, the Ryots would have quieted down two months ago, and that all his acts have tended to keep alive the disaffection of the Ryots.

Also to the case of Gopal Seck, of Lokenathpore, my own Factory cultivation ploughman, whose complaint against the Factory servants, although it may have been to a very small extent founded upon fact, was in substance false. One of the defendants in this case, amicable to the Factory, was imprisoned for one month.

Also to the case of Chunder Malite, of Lokenathpore, whose complaint against the Factory servants and parties amicable to the Factory was made at the same time, and which I believe to be utterly false. In this case three defendants were imprisoned for one month each.

In these two last cases I beg particularly to point out the most uncalled for manner in which I was summoned to a distance of eight miles at twelve o'clock in the day, with scarcely two hours' notice, to give my evidence, although I was not cited as a witness by either side. True, the summons had been granted the evening before, but it did not reach me till past 10 A. M. of the day on which I had to appear, and under the circumstances the time of day fixed on was the most inconvenient possible. Mr. Herschel looked upon these cases as most serious affairs, owing to their having led to a *constitutional* gathering of the inhabitants of three Villages, armed with sticks, &c., but as these Villages had up to that date shown no open signs of enmity with the Factory, it was never suspected that the taking of a ploughboy to his work would be the cause of such a rising, and the very fact of my being called on to appear in that summary manner on such a paltry occasion not only lowered my authority but made me a laughing stock to the Natives.

Here let me remark that I had been put to great loss and inconvenience owing to many of my ploughmen, whose houses were in Joyrampore, having left their work at the instigation of their fellow Villagers, that I had several times mentioned the same to Messrs. Herschel and Maclean, and had even made a petition against them but could get no redress.

There being no Judge in Kishnaghur at the time, I made the appeal against the decisions in the above mentioned cases to the Sudder Ameen. This gentleman would have granted the appeal, but, being a Native, I am given to understand he referred to Mr. Herschel for instructions. The decisions having been given by Mr. Maclean under Mr. Herschel's directions, it can be imagined with what success the reference of the Sudder Ameen to Mr. Herschel was attended. The consequence was

that the prisoners were obliged to suffer the full amount of the sentence against them without the chance of appeal.

The effect of all these was that I was deprived of every particle of authority. Servants either left or neglected the work, and whatever took place, I was unable to get complainants or witnesses in any matter.

Mr. Herschel came to this District with the belief that every Factory contained some hundreds of Lattials and with the firm determination to put down the system. Acting under such prejudiced opinions, is it to be wondered at that he would look on every Planter with distrust; and as unfortunately Joyrampore and other Villages of this Concern had just previously to his arrival broken out in rebellion, all connected with them were eyed with double suspicion, and I myself treated in a haughty, distant, and in some cases a most rude manner. As we were privately unacquainted with one another, all this was a matter of the most supreme indifference to me, and I made a point of always behaving with the utmost politeness. I cannot now, however, omit to notice that on one occasion, Mr. Herschel, in a letter to Mr. Mears, would have wished him to believe that I had spoken a wilful untruth. I however had most satisfactory evidence that what I had stated was correct, and therefore Mr. Herschel's attempt to doing what he had stated was perfectly futile.

Again, I would wish to call attention to the report given to Mr. Grote of the circumstances under which I refused to discharge my Head Amlah, and which I cannot but think caused an erroneous impression on Mr. Grote's mind. The circumstances of my having given the said refusal were as follow: On the 17th March, while with Mr. Herschel, I took the opportunity of asking him his advice as to the best means of coming to terms with the Ryots. He evaded the question, but returning to the subject of Gopal Seck's case (above mentioned) said—that if I would consent to discharge my Head Amlah (he had no charge against him nor did he even know who he was,) he would do everything in his power to assist me. This I deemed to be so unjust that I could not possibly accede to it, and said that, if such a principle was thought fair by others and Mr. Mears, I would rather have it fall on my own head, and that I would consent to be discharged myself.

Also, I believe it to have been reported that things were carried on with a high hand in this Concern under my charge. Such a report, if made, I declare to have been perfectly unfounded and uncalled for.

Regarding the Dood Pattee fire, surely ere this a more charitable conclusion has been arrived at than that which was at first drawn from the exaggerated report concerning it given by Mr. Herschel. A more prejudiced and misrepresented report could not be conceived, more especially now, as it appears from the report of the Magistrate solely responsible for the enquiry, that not only was there no accusation made by the Ryots but not the most remote suspicion remained in his mind as to the culpability of the Factory people.

Thus nearly a month after the occurrence of the fire, through the conduct of Mr. Herschel, Mr. Mears and myself were brought before the public by Mr. Sconce, the Member for Bengal, as having been guilty of a most aggravating outrage, regarding the truth of which, there was not the shadow of foundation. As to the kidnapping of Ryots, I cannot to this day conceive to what Mr. Sconce refers, as nothing of the sort has taken place since I came to Lokenathpore in October last, nor can I trace that any such conduct has ever been practised here, indeed, until the last two or three months, this property has been noted for years to have been about the most orderly and quiet in Bengal. Now, with regard to the manner in which Mr. Herschel read out the first orders of Government on the subject of sowing Indigo : the particular manner in which he called the attention of the Ryots to the circumstances under which they would *not* have to sow Indigo gave them every encouragement to believe that it was the wish of Government they should not do so, and the latter portion of the orders, when it spoke of punishment should they break contracts, was looked upon as a mere matter of form, and indeed was in many cases not even listened to.

Since the new Act came in force, numbers of Ryots have been sent to Jail. Many of these are men who have never been at enmity with the Planter but have merely been led on to fraud and disgrace by some underhanded bad advice, together with the contradictory and lengthy Perwannahs of Mr. Herschel issued through the medium of a Police than whom no body of men known bear a worse reputation for villany and corruption.

A most glaring instance of the effect of these Perwannahs is seen from the harm caused by the one issued by Mr. Herschel on the 20th April, upsetting the orders of Mr. Maclean and sent direct through the Police Officers of these Thannahs in place of solely allowing it to be passed through the medium of Mr. Maclean's Office; thus not only

lowering the authority of Mr. Maclean in his own Sub-division but making it clear to him that he cannot be trusted to exercise his own judgment on such a critical occasion as that on which he deemed it necessary to use stringent measures to prevent Paddy being sown in Indigo lands. Mr. Maclean's judicious conduct would have quieted the District in three more days, and would have saved all the loss, annoyance and sad consequences of enforcing the new Law. It is also passing strange that the Darogahs of the Dowlutgunge and other Thannahs had special instructions that the said Perwannah of 20th was merely for themselves to understand their powers; whereas the Darogah of Damoorhoodah Thannah was clearly instructed to make it known through the Villages. This the Burkundazes took special care to do as regards the first portion of the Perwannah, carefully leaving out the last part, at the same time adding that they, the Ryots, must not sow Indigo. The consequence of all this was that an immense quantity of lands were at once sown down in Paddy. On the state of affairs being duly represented to Mr. Herschel, he issued another order from which some good consequences might have been hoped for, but that the evil had gone too far to be corrected. Thus our only resource now is to act upon the new Law of breach of contract which will only tend to ruin the Ryots and fill the Jails with men who are merely the victims of designing parties and a corrupt Police. Such a policy I have from the first stood out against, hoping that, through persuasion and good advice, the Ryots would come to their senses. Mr. Herschel's conduct, however, has quite frustrated my intentions, and he alone will have to answer for the misery which is likely to ensue, and lucky may he consider himself if he does not drive the country into open rebellion. I have said so much out of pure anxiety for the good of the country and the Ryots, and sincerely trust that some one better acquainted with the manners and customs of the Natives, and less the victim of prejudice and impulse than Mr. Herschel may be appointed as Magistrate of the District.

From James Forlong, Esq., to Richard Dodd, Esq.,—(dated the 7th May 1860.)

My dear Dodd,

I am glad to hear that William Fergusson has been elected as our Member upon the Commission; we could not have got a better man.

The rain to which I referred in my note of the 5th did not extend to this or over to Peerpore, but it was heavy in the Ruttunpore quarter, and just where the Ryots are in the worst temper and will not sow, a good deal was sown yesterday at Nischindipore Factory where everything is all right. I am going on to Katcheekatta in the afternoon. The October crop there is very fine, but there are not above 1,000 Beegahs of spring sown yet, and unless the Ryots get in better temper than they are at present, how the October crop is to be manufactured I do not very well see.

Herschel must have been under the promptings of the devil when he issued his order of the 20th ultimo. Had that not come out, we should have been all right. On the 20th, thirteen Villages at this Factory agreed to go the following day to the Magistrate and state they had no complaint against the Factory and would sow the Indigo as usual, but before they could do so out came the order that they might sow Paddy on the Indigo lands if they chose, and this at once upset everything.

As matters stood before, it was bad enough to have the whole Mofussil Police against us from the menial Chupprassee up to the Darogah, but I did not think the Joyrampore spirit had got into the Magistrate's Office, and that his Amlah could be tempted to put up a Perwannah for his signature different from that which they were making for the other *Thannahs*, and which was to be had first in the Joyrampore Village which adjoins Damoorhooda and which Village was the chief seat and still is the seat of all the mischief that has been going on in this quarter. About the 20th ultimo, things were just at the turning point. The Ryots were showing a better spirit: all would have now been settled with them, when by the above astounding piece of rascality the Joyrampore party managed to get them in hand again. What however are you to think of the Court when such an act is possible, and what are you to think of the Magistrate who signed a document involving so many in ruin without having it read to him? On the afternoon of the 20th the Perwannah was despatched from Kishnaghur, and shortly after day-break on the 21st, the Darogah was on horse-back reading it in Joyrampore, and within twenty-four hours Indigo for this season was at an end in that Village, for the Ryots began at once to sow their Indigo lands with Paddy. They sowed the lands when they were quite dry waiting the chance of a good shower to make the Seed spring, which they have since had. Herschel's remaining as our Magistrate will only involve

the Government in shame, the Planters in ruin, and fill the Jail with Ryots, most of whom long for peace with the Factory but are forced to act against it by an influence which they think they cannot resist. It is very odd that on the boundary of this District with that of Jessore, &c., whence the Villages of each District are much mixed up, the Jessore Ryots sow without grumbling, while the Kishnaghur Ryots refuse to sow, the truth being that Jessore Ryots think their Magistrate is really in earnest in making them act up to their engagements with the Planter, while the Kishnaghur Ryots believe the reverse of Herschel. Probably ere long when there are some five thousand Ryots in the Kishnaghur Jail, and the same number of families sold out of house and home, the Government may awake and discover that a great public scandal might have been avoided, if the Magistrate had acted up to the principles of common sense in the exceptional circumstance in which he was placed in place of the hair-splitting nonsense and folly in which Mr. Herschel has indulged, and which is bringing the Government itself into contempt.

Two days ago, when 131 Ryots passed Nischindipore on their way to Jail, they were all talking and saying what sort of *Raj* is this where we are one day told to sow Indigo or not just as we like, and then put to Jail because we do not like, and what sort of Sahibs are the Hakim Sahibs who first travel about our Villages and tell us the same story and then try us and send us to prison for doing exactly as they told us we might do ; and then there are the usual ejaculations about Allah and Kalee as in the case between the Ryots and the Authorities, the Ryots have much the best of it, the Planter unhappily is the victim of both.

P. S.—I saw Chardon two days ago. He said that he did not think he would sow more than 1,000 Beegahs of the 6,000 under his charge. The Joyrampore Factory is effectually shut for this season, and I almost fear the Lokenathpore one. Wood in the Khalispore Division will sow in all his Villages within the Jessore line, but not much within the Nuddea line. Chardon's 1,000 Beegahs will also be within the Jessore line. This alone reveals a scandalous state of things on the part of the Officials in this District.

Newcomen has just returned from Baughbarriett. He saw Tripp, Sheriff and Archie Hills there at the Magistrate Mr. Mackenzie's tent. Joradah is all right except the ten Villages within the Nuddea line, and the spring lands sown in Katcheckatta are also within the Jessore and

Pubna line. Bamundee is in much the same state as Katcheekatta. One of the Ryots, a *Mussulman*, told Mr. Mackenzie that the Ryots had just one Magistrate (Taylor) sent away, and that they could have got him also away, and the man became so insolent that it was only when Mackenzie threatened to have him tied up and flogged that he became quiet.

HAVING heard that the Joyrampore people were endeavouring to force my Ryots to join the conspiracy, I hastened to the spot, and found that such was really the case. Crowds of Ryots from the Kishnaghur District and from the vicinity of Mr. Herschel's tents had been the day before into my Jessore villages, inciting the Ryots to repudiate their Indigo contracts. Persuasion was first tried and afterwards threats. I rode through many of my Villages, and heard the above from their own lips. They were all unanimous in saying to Mr. Soupin and myself that they had no complaint to make against the Factories, that they wish to be let alone, and to be allowed to perform what they were bound to do and were anxious to do. Some of the Ryots remarked, however, that I must know the "rukum" of the Bengalees, and that it would be impossible for them to hold out against the combination in Kishnaghur. I knew this well, and wrote at once to Skinner, asking him to come out and prevent an outbreak. Before he could arrive, about two hundred of my Talook Ryots came in, one afternoon, to Carragoddah and *demanded* that I should reduce the rents of their jummas. Notice, that they *said nothing about Indigo*, but they seemed to consider the present state of Kishnaghur a good opportunity to deprive me of some of my rights as a Talookdar. I of course refused to injure the property of the Proprietors at the dictation of the Ryots. They then went to the Kolaporah Thannah, and complained that I wished to force them to sow Indigo. The next day the half of the Concern was in a ferment. Some of the ringleaders joined with the Kishnaghur Ryots paraded the country and endeavoured with some success to induce others, well disposed, to join them. Mr. Molony and Mr. Skinner, however, soon arrived, satisfied themselves of the state of the country and of the consequences that might ensue, seized about fifty of the ringleaders and sent them to Jessore. Attempts were made to rescue the prisoners, but bold measures on Mr. Skinner's part cowed the Ryots. In a few days all was quiet, and the Kishnagnur rascals fell back to their strongholds near Mr. Herschel's Cutcherry.

I have written the above to show what a little energy and common sense can do. Mr. Skinner and Mr. Molony put an end to an evident evil, but I know that they prevented a much more serious one that was in embryo. From what I have since heard, I am certain that had it not been for the Jessore Magistrates, in six days more Jessore would have been up. In all probability Furreedpore would have followed. Those who know what different kind of people the Jessore and Furreedpore Ryots are to those of Kishnaghur will agree with me in saying that had those Districts risen much mischief might have been done. That they would have risen had a Herschel been in Jessore can hardly be a matter of doubt, and that they would have done something more than insult the Magistrate or burn an Out-Factory or two is certain.

Well, Jessore is not yet out of danger, for as long as Joyrampore is unquiet there is no saying what may happen, and until Mr. Herschel is sent to some ther District Joyrampore will not settle down. I have no bias against Mr. Herschel. I have never seen him, have never had any case in his Court, and am not likely to have. But I know the Natives' idea about him, which is that they will be supported in their passive resistance against performing their contracts, and for any overt acts they may commit they will be very leniently punished, if they are punished at all. Even should Mr. Herschel wish to act with a little more severity, it will be long before any good measures of his will have any effect. The Ryots think he is afraid of them and therefore *Bengalee-like* despise him. Even should we sow all our lands we shall not be much better off with Mr. Herschel's mode of acting, for the Ryots can combine to prevent our Coolies, Carts, Boats, &c., from being available, and will perhaps do so if a few leading men are not punished as they ought to be. It is no doubt the wish of the Government that the present disturbances must be immediately quelled whatever may be done hereafter, and to carry out this intention they have in Mr. Herschel the very worst instrument they could have. A few days ago a lot of Ryots broke up some of White's October, and after a great deal of trouble *two* men were sentenced to one month's imprisonment. Such an order is almost an encouragement to break up all the October. Skinner and Molony for a first act of this kind would have struck such terror into the hearts of the evil doers, that the first act would have been the last.

Now that the bad men (budmashes) of Carragoddah have been punished, and the Joyrampore instigators have been forced to leave Jessore, my

Ryots are going of their own accord to the Magistrate, stating that they had of their own free will taken advances from me. They say that they wish to sow, and have petitioned the Magistrate to protect them in sowing. If Mr. Herschel had been at Jessore, Carragoddah would have been closed.

(Signed) E. Roberts.

Near Hanskally,
The 10*th April* 1860.

From H. Bell, Esq., Under-Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2432, dated the 14th May 1860.)

Sir,

I am directed to forward to you the accompanying letter,* with its enclosures, from the Secretary to the Indigo Planters' Association, containing certain complaints against Mr. Herschel, the Magistrate of Nuddea.

* Dated the 10th instant.

2. The Lieutenant-Governor requests that, in the visit which you are about to make to Nuddea, you will be good enough to enquire into and report upon the several cases mentioned, as well as upon the general manner in which Mr. Herschel conducts his business with special advertence to these complaints.

From E. H. Lushington, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 45, dated the 7th June 1860.)

Sir,

I have the honor of acknowledging the receipt of your letter No. 2432, dated 14th ultimo, and in reply to report as follows.

2. Immediately on my arrival at this Station, I furnished Mr. Herschel with a copy of your communication, and its enclosures, now under acknowledgment, desiring him to submit a reply to the various allegations the enclosures contained, and also to forward to me all the cases he had decided against the Planters since he had assumed charge of the office of Magistrate, and all cases decided by Mr. Maclean when he and

Mr. Maclean were in Camp together, one of the charges being that the decisions of the latter Officer were unduly regulated at that time by the personal influence of Mr. Herschel.

3. I beg now to submit Mr. Herschel's reply in original, with enclosures. The Lieutenant-Governor will observe that many of the charges are so vague and general in their nature, as not to permit Mr. Herschel furnishing any direct reply, but on all tangible points the allegations have been fully and fairly met by him, and his answers are, in my humble judgment, entirely satisfactory.

4. The great and chief grievance brought against Mr. Herschel appears to me to be the issue of the Perwannah of the 19th April. As the Lieutenant-Governor called for a Special Report on that order, which I supplied in my letter of this day's date, No. 43, it will not perhaps be deemed necessary that I should again enter on the subject. I would only state that I believe the Perwannah to have been a very proper one, and one which, if Mr. Herschel's instructions had been properly obeyed, would not have led the Ryots to refuse to sow, or to break up what they had sown.

5. With regard to the cases decided by Mr. Herschel, adverse to the Planter personally, or to the interests of his Factory, I beg to assure the Lieutenant-Governor that I have gone through them with all care; the proceedings in each case display great pains to arrive at the truth, and the conclusions at which Mr. Herschel arrived appear, in my opinion, to be just and proper.

6. Of the three cases especially referred to by Mr. Tweedie, I beg to enter into short details. One was the complaint of a ploughman, who was taken to the Factory because he would not plough; and though pleading he had no longer any connection with the Factory, having taken advances for the Railway, was soundly flogged by the Factory servants. The second was a somewhat similar case, the Plaintiff being dragged to the Factory and similarly, severely treated. In both cases the charges were proved, and the Defendants sentenced to a month's imprisonment.

7. If Mr. Tweedie lost, as he said he did, all power and authority over his servants in consequence of these orders, he can have nobody but himself to blame in not having peremptorily checked such proceedings, for it is quite obvious, after reading the details of these cases, that any Magistrate who dared to overlook such offences, or to treat them less lightly, would be guilty of a very grave dereliction of duty.

8. In the third case brought forward by Mr. Tweedie, in which his Burkundauz Mamouz Khan was imprisoned for falsely charging certain Villagers with having forcibly turned him out of the Cutcherry, I think that gentleman has good cause for complaint. The evidence does not satisfactorily prove that the Burkundauz had been forcibly ejected, but there were quite sufficient grounds for further enquiry, and certainly none for at once imprisoning the Plaintiff for having brought a false charge.

9. This decision was given by Mr. Maclean, and Mr. Herschel distinctly denies ever having heard of the case before.

10. In conclusion, I would respectfully observe that I have had several opportunities of becoming acquainted with the manner in which Mr. Herschel conducts his duties, besides what I have gathered from an examination of the records, and I feel sure there is no Officer in Government employ who strives more conscientiously to perform them, or who is more keenly anxious to do that which is just between man and man, whether the result is likely to be beneficial to the Planter or to the Ryot. Why he has not succeeded in maintaining the same apparent tranquillity in his District, and affording the same satisfaction to the Planters residing in it as Mr. Molony has done in Jessore, is, I think, partially shown in my letter No. 44, of to-day's date. Besides, it should always be remembered when Mr. Herschel assumed charge the aversion of the people to the cultivation of Indigo in Kishnaghur, had so unmistakeably showed itself, that in my opinion no measures short of the most violent and unjustifiable character could have repressed its further exhibition.

P. S.—The six original enclosures of your letter are returned herewith.

From W. J. HERSCHEL, ESQ., Officiating Magistrate of Nuddea, to the Commissioner of the Nuddea Division,—(No. 171, dated the 4th June 1860.)

SIR,

I HAVE the honor to submit the following replies to the complaints of Messrs. Hills, Mears and Tweedie, which appear to be all that I need answer. Mr. Roberts' statement is from a Jessore Planter, whose name I never heard of, and whose statement in the only case

which he particularizes (one of Mr. White's) is evidently quoted on hearsay. Mr. Forlong's letter to Mr. Dodd is a private one, which the writer, I am certain, never intended to meet my eye. If Mr. Forlong had intended to make any distinct statements for me to meet, he would have framed them for that purpose and have submitted them himself to the Association, as was done by the other protesting Members of the Meeting.

MR. A. HILLS.

States that at certain nightly meetings of the Ryots false Perwannahs were read out to them, and that the chief ringleader of this disturbance, Mohesh Chatterjee, was bound over to keep the peace, that proof could not be had against him except the evidence of the Factory servants, but a sensible man must have been convinced of his guilt, and one with decision of character would have settled the whole affair instead of that hundreds of ridiculous and false complaints against the Factories were taken, &c., &c.

A speech made by Mr. Herschel in the Southern part of his District was then read out to the Ryots.* It proved very logically that if Dhan advances were worked off so ought the Indigo ones, but that it was quite optional to them (the Ryots) to perform the latter. This clause of the speech and it alone was greedily seized upon by the Ryots.

I do not recollect having any complaints presented to me against Mohesh Chatterjee. If there were any at all, they were presented to Mr. Maclean, and I do not know the result of them.

It is not stated that all these Petitions from the Ryots were acted on any more than the complaints against Mohesh Chatterjee.

A correct translation of the speech in question is annexed. It was never read except on the occasion for which it was written. It does not contain a single clause of the kind described, *viz.* that it was optional with the Ryots to sow or not as they liked.

That when I have been speaking to the Ryots about their position they have laid greater stress on those words which suited them than on others is true. But the Planters have done the same. In

neither case can I be called to account except for the words which I used, and for this purpose greater accuracy should have been observed than in quoting this speech against me.

The Ryots told Mr. Taylor in my presence that if the other Magistrate had not informed them at Doorgapoor that it was optional for them to fulfil their contracts, they would never have quarrelled with the Factory. Mr. Taylor's position was therefore embarrassing, having to imprison Ryots who acted on the words of another Magistrate, whom they well knew to be his superior Officer.

I was never at Doorgapoor. Mr. Maclean is probably referred to and he is Junior to Mr. Taylor, and I very much doubt his having ever used such an expression as quoted.

An order on the Police that the lands marked for Indigo were not to be sown in Paddy was issued. It may not have been legal, but it was the one solitary act of decision displayed by the Authorities of this District, and on that account was quickly followed by the famous Perwannah of the 20th (19th) April, issued by Mr. Herschel, that the Indigo lands might be sown in Paddy.

An order acknowledged to be illegal is characterized as one of decision. An immediate assertion of the Law as against such an order is blamed. I have already submitted to Government a copy of the Perwannah. Had it been addressed to Ryots I would have been responsible for the result, but on the face of it, it is addressed to the Police only who could understand it, and was not to be shown to Ryots who probably would misunderstand it. It was not my fault that it was published.

Such disorder then ensued that a third Perwannah dated 23rd April, was necessary, the purport of which was that Paddy must not be sown in Indigo lands. The only result

I have already submitted both Perwannah and Notice to Government. The latter does not prohibit the sowing of Paddy in absolute terms as was apparently desired. It

of this third order is to bring the Authorities into contempt and to make the common people more sceptical than ever of any order which is in favor of Indigo planting.

merely announces the consequences of doing so under the new Law.

The confidence of the common people in Government has been very severally tried in this Zillah during the past three months, but I cannot admit that a strict adherence to the Law has brought the authority of Government into contempt on the word of a gentleman who, on his own showing, only considers those acts entitled to respect which are illegally in his favor.

Draws a comparison between the tranquillity of Jessore and Pubna, and the anarchy of Kishnaghur.

No comparison can be fairly drawn. Kishnaghur is known to have been much more excited than either Jessore or Pubna for several months past.

MR. MEARS' COMPLAINT.

Mr. Herschel sent an untruthful report on the 17th March to the Commissioner, in which he totally misrepresented my conduct with regard to the Dood Patte fire case, he stating that I showed no desire to remove the suspicion of the Ryots against the Factory people, whereas I did all I could to do so. I offered 1,000 Rupees to ascertain who was the offender or instigator, I also offered the Ryots of this Village Rupees 200 as a present, to help them to re-build their houses, though they at the time were doing their utmost to ruin the Concern.

The Report which I sent up rested on the following circumstances which I did not think it necessary to detail at the time :— I asked Mr. Mears to come with me to the Village, and before starting I asked for and obtained his consent to an offer of a reward for the discovery of the offender. Mr. Mears named Rupees 1,000. On meeting the Ryots Mr. Maclean and I remained silent as to leave the conversation to Messrs. Mears and Tweedie and the Ryots. The two gentlemen argued long as to the impossibility of the Factory people having had anything to do with the fire, but without convincing

the Ryots. They then, to my surprize, said to the Ryots—"You put in a Razeenamah to sow Indigo and then we'll build up your houses." This did not tend to remove the suspicion of the Ryots, and deeming it almost a threat I drew off, whereupon they changed the conversation. I then told the Ryots of Mr. Mears' offer of Rupees 1,000 which seemed to have an effect, but they said they knew the man would never be caught. They were behaving so very moderately and yet so firmly that I could not help suggesting to Mr. Mears that if he made a straightforward and liberal offer I thought he would have them at his feet. Mr. Mears after some hesitation offered them Rupees 200 and I put in a word for him to the Ryots, but the contempt with which the offer was received was too plain to allow me to interfere further, and I left the place. Mr. Mears following me and saying that if I thought more was necessary he would give it.

I certainly returned with the impression that Mr. Mears had no desire to remove an unpleasant suspicion against himself from the minds of the Ryots.

Yet, in the face of this, Mr. Herschel in the same Report says:—"Mr. Mears of Lokenathpore refuses any, the slightest con-

The sentence quoted referred to the settlement of the dispute about Indigo only. In saying that Mr. Mears refused any concession I

cession, and the Ryots are proportionately exasperated."

This fire case was grossly exaggerated by Mr. Herschel, he stating in his Report that several hundred Ryots' houses were burnt, whereas the truth is, only the houses of six Ryots, with their outsheds, were burnt. This shows clearly how ready Mr. Herschel is to bring any charge against the Planter though there may not be a shadow of truth in it. Mr. Maclean has stated that he did not believe the Factory had any thing to do with it.

used his own words. He had told me that he considered it would be certain ruin to him to modify his demands on the Ryots in the slightest degree.

I copy my Report on the subject. Extract from my Second Weekly Report, dated the 12th March.

"I have received, since writing the above, a note from Mr. Maclean, reporting a circumstance which, unless I can induce the Planters to prove their disavowal of its origin, may, I much fear, complicate matters exceedingly in the Damoorhoodah Sub-Division. A few nights ago, on the 7th and 8th, the Village of Dood Patte was fired and twenty-eight houses were burnt down. The circumstances leave little room for doubt that the act was one of incendiarism. From previous occurrences it is natural to attribute it to the agency of Lokenathpore Factory. This is the conclusion to which the Ryots have at once come. Two men of low standing indeed, attached to the Factory, are named by the Ryots. It is hardly credible that any Englishman can have given orders for such a deed, but it is not impossible that it may have been committed for the express purpose of inducing an explosion of feeling by third parties. I have written to Mr. Mears, suggesting either the offer of a high reward

by the Planters for discovery of the offender, or if possible, a subscription in favor of the sufferers. Unfortunately, the property destroyed is estimated at Rupees 5,000."

In saying that the property was estimated at Rupees 5,000, I was probably above the mark, I merely quoted the Darogah's report, and as I stated that in my opinion, which I still hold, the fire was caused by third parties on purpose to create an explosion of feeling, I could have had no object in exaggerating the damage.

I would bring to notice Mr. Herschel's Perwannah of the 19th, in which he desires the Police to give the Ryots notice that they may sow where and what they like.

The Perwannah expressly forbad the Police to make its contents public as it was evident that in many cases it might cause the Ryots to break the Law. The Police were told not to make it public. In the Perwannah, addressed to the Thannah in which Mr. Mears' Concern lies, the word *not* was omitted. The fault, I found, lay with the Peshkar of my own Office who has been dismissed from Government employ in consequence.

Since that, the Ryots of the Lokenathpore Concern have sown nearly the whole of our Indigo lands in Paddy, both Nyzabad as well as Ryottee.

Mr. Tweedie, Mr. Mears' Assistant, told me that very few of his Ryots had taken cash advance this year. They were not, therefore, bound to sow Indigo under the new Law. As to the Ryots sowing Nyzabad land with rice, I don't believe one of them would attempt to take his Landlord's

really private lands. These so called Nyzabad lands are stated by the Ryots to be so only so far as that the Planter takes possession of them from the Ryots and works them "Nyzabad" himself for one season. I do not know whether this is true, but I observe that as "both Nyzabad and Ryottee" are called "our Indigo lands" it is quite possible that the former may belong to the Ryot as much as the latter. The Ryots claim them both as Ryottee land.

MR. TWEEDIE'S COMPLAINT

Regarding Mr. Herschel's conduct since he took charge of the Nuddea District.

Since Mr. Herschel's arrival, Mr. Maclean has decided every case in the most partial manner. In all these decisions Mr. Maclean must have been directed by Mr. Herschel as he was most part of the time with him in the Mofussil.

I can only enter a simple denial to this charge.

I do not know the result of half a dozen cases tried by Mr. Maclean during my visit to Damoorhoodah.

Especially in the case of Momraz Khan, who was turned forcibly out of my Cutcherry by the Villagers, and who, for complaining of the same, was imprisoned for one month.

I do not recollect hearing of this case before. I have sent for it from Damoorhoodah, and it will be sent to you with the other cases called for. I certainly never interfered in the conduct of it.

Also in the case of Gopal Sheik, a ploughman of my own, whose complaint against the Factory servants, though it may have been very slightly founded on fact, was in substance false. One of the Defendants in this case was imprisoned for one month.

I remember this case well and the following one. In both, the Defendants were very leniently punished by Mr. Maclean in my opinion.

Also to the case of Chunder Malta, whose complaint against the Factory servants and parties amicable to the Factory, was made at the same time, and which I believe to be utterly false. In this case three Defendants were imprisoned for one month each.

Complains of having been called eight miles through the sun to give evidence in the above cases, though not cited as a witness by either side.

There being no Judge in Kishnaghur at the time appeals against these orders were presented to the Native Officer in charge who Mr. Maclean reported them in his Weekly Report as follows:—

"On one recent occasion I have reason to believe that the firmness of a single Burkundauze prevented a disturbance at Lokenathpore. A Villager had been summoned to the Factory to continue his daily work, which, since the present difference between the Factory and the Village, he had discontinued. Having gone to the Factory he was severely thrashed by two men. One of them has been sentenced to imprisonment for a month, the other acquitted for want of sufficient proof. Another old man was immediately afterwards literally dragged to the Factory, there beaten and finally released by the Burkundauze who prevented the Villagers, already assembled, from resorting to violence, and volunteered to release the man from the Factory. The case is now under trial."

Mr. Tweedie having denied the charge against his servants except that one of the Plaintiffs was slightly beaten, and having stated that he was at the Factory himself at the time, I suggested that he should give his evidence on oath. I certainly never thought that I was doing him injustice in doing so.

The Principal Sudder Ameen gave orders that if it seemed proper, bail should be taken from the prisoners, in not only this case, but

referred to Mr. Herschel for instructions. It can be imagined with what success the reference was attended.

Regarding the Dood Patte fire, surely ere this a more charitable conclusion has been arrived at than that which was at first drawn from the exaggerated report concerning it given by Mr. Herschel. A more prejudiced and misrepresented report could not be conceived, more especially now, as it appears from the report of the Magistrate solely responsible for the enquiry, that not only was there no accusation made by the Ryots but not the most remote suspicion remained in his mind as to the culpability of the Factory people.

Complains of the particular manner in which Mr. Herschel called the attention of the Ryots to the circumstances under which they would *not* have to sow Indigo. in every case of appeal. The prisoners being in my estimation guilty, it was not to be expected that I should release them on bail.

I pass over some personal matters which are so vaguely alluded to that I could hardly do any good by entering on them. But in stating that I have charged him with an untruth, I should have gladly seen the occasion more precisely described by Mr. Tweedie, that I might have denied it in a way to satisfy himself. Whatever Mr. Tweedie's character may be, want of straightforward intentions and speech is not one of his faults.

See reply to Mr. Mears' complaint.

I have never altered my opinion or expressed any other, that the fire was caused by third parties for the express purpose of making the Ryots believe that the Factory had set the Village on fire. But I think it was natural for the Ryots under the circumstances to suspect the Factory. They said they had presented a petition in the morning against the Factory, and that in the night the Village was set on fire which there is no doubt whatever that it was.

Knowing this to be the case, I warned the Ryots before the new Law was brought into Council that it might come. On the copy of the Government Notification

The latter part of the Government Orders, when it spoke of punishment should they break contracts, was hardly listened to.

Complains of the reversal of Mr. Maclean's order as having been sent direct through the Police Officers of these Thannahs instead of allowing it to pass through Mr. Maclean's Office, thus lowering Mr. Maclean's authority, &c., &c.

received on the 17th of March, I noted on it what I intended to say in the evening to the Ryots. I enclose the original, and have only to say that I neither added nor omitted a word in reading it out in Bengalee.

The Perwannah of the 19th made no allusion to Mr. Maclean's orders. It was a Circular to all Darogahs, and was sent through the Sub-Divisional Magistrate. In Mr. Maclean's case I wrote to him demi-officially to correct his error himself. He met the duty fairly, acknowledged his mistake and cancelled his own order while forwarding the Circular to the Darogah.

After reading out the order of the Lieutenant-Governor on the Joyrampore Petition.

From this order of the Lieutenant-Governor's just now read, you will plainly understand that as Government has nothing to do with the cultivation of Paddy so it has no objection to the sowing of Indigo, if a Ryot takes Paddy from a Mohajun and consents to repay the same at the end of the year, then he is bound to give it. If he do not and a decree is executed upon the Ryot it is known to all what trouble he is subjected to. In Indigo the case is the same, some persons have taught you that Government determined to put a stop to Indigo cultivation and have thereby persuaded you to break the contract you have made, therefore I tell you beforehand that they who have thus persuaded you are causing your loss to gain there own end. Now you have complained to Government. Hear what the Government says.

2. Since my stay here I have clearly seen that amongst you who complain there are many who have taken advances for this year, to them I plainly say, sow Indigo according to your contract, if you do not,

Government will know and I will know that you have laid these complaints in order to steal the advances which [redacted] have taken. I will stay here for a few years, and see well how the Indigo Planters and Ryots deal and it will be seen from their as well as your conduct who has been in the wrong. You now complain to me that the land which you have cultivated for Paddy the Sahib himself is about to sow Indigo in it, regarding this complaint, I tell you and the Sahibs that they shall not be allowed to do so. If you have taken advances to sow Indigo in your lands it is you who ought to sow Indigo in that land, and it is you who are bound to do so. Although the Sahib himself will not be allowed to sow Indigo in that land yet it is not thereby meant that he may not go to see the cultivation of the land or the Indigo crop. Certainly he may go. In two or three instances I have seen that on his going near the land you pelt him with clods, this is great folly on your part. I have punished some persons for that offence while I am here; now I again tell you that you all will suffer great loss by committing such crimes, I shall send the Military Police into that Village whose inhabitants again unjustly beat a Sahib.

Now I wish to tell you another word. The Lieutenant-Governor has stated in his letter that if any one has a complaint to make let him go to a Hakim, I am come here for the protection of both parties, if you have any complaint lay it direct before me, but you must specify the particular matter of which you complain, vague assertions are only superfluous, for instance:—"The Sahib is doing great oppression," such a complaint gives you the trouble of your journey and nothing more. If oppression is committed upon any person let that person come and tell me then I can hear him.

After a few days a Hakim will come and stay here, all may prefer their complaints to him, he will do justice to all.

(True Translation,)

W. J. HERSCHEL.

N. B.—The translation published in the *Hurkara* Newspaper from a Bengalee copy which I gave to Mr. Larmour, the word "see" is changed into "Superintendent," a very different thing.

ইস্তেহার ।

যেহেতুক জেলার হাকিমানের রিপোর্ট ও নীলকর সাহেবেরা শ্রীল শ্রীযুক্ত লেপ্‌টেনেণ্ট গবরণর সাহেব বাহাদুরের সমিপে যে সকল নালিশ উত্থাপন করিয়াছে তদ্দ্বারা প্রকাশ যে কয়েক জেলার রাইয়তদিগের মনে নীল রোপন সম্বন্ধে গবর্ণমেণ্টের যে কি অভিপ্রায় তাহা বুঝিবার পক্ষে এক ভ্রম উপস্থিত হইয়াছে এবং কোন২ স্থানে ধূর্ত্ত লোক মিথ্যারূপে এমত প্রচার করিয়াছে যে গবর্ণমেণ্ট নীল রোপন বিষয়ে নিরুৎসাহ করিতে ইচ্ছুক হইয়াছেন ও রাইয়তেরা নীলকর সাহেবদিগের সহিত চুক্তি করিয়া তাহা হইতে অন্যায়রূপে মুক্ত পাইবার চেষ্টা করিলে পুলিস আমলা তাহারদিগের পক্ষে সাহায্য করিবেক এপ্রকার অনর্থক জনরবের প্রতি যে কি প্রকার সাধারণের বিশ্বাস জন্মিল ইহা আশ্চর্য্য যাহা হউক এ সকল জনরব যে মিথ্যা ও অমূলক তাহা গবর্ণমেণ্টের পক্ষ হইতে প্রকাশ করা উচিত বিধায়ে এই বিজ্ঞাপন পত্রের দ্বারা প্রকাশ করা যাইতেছে যে যদিও প্রজাদিগের এমত সাধ্য আছে যে আগামি টাকা লওয়া না লওয়া ও নীল রোপন করিতে চুক্তিকরা না করা আপনারদিগের ইচ্ছানুসারে যে স্মার্ত্ত দৃষ্টে কর্ম্মানুবর্ত্তি হইতে পারে এবং এবিষয়ে প্রচলিত আইন সকল পক্ষে সমান থাকায় তাহার স্বহায়তা ভিন্ন আর কোন স্বহায়তা তাহারদিগের প্রয়োজন করে না তত্রাপি এমত চুক্তিতে যদ্যপি রাইয়তেরা আইনানুসারে ও আপন ইচ্ছামত প্রবৃত্ত হয় তবে তাহারদিগের কর্ত্তব্য যে উক্ত চুক্তি অনুযায়ী তাহারা কর্ম্মানুবর্ত্তি হয়।

এ আর ইয়ং ।

সেক্রেটারী গবর্ণমেণ্ট অফ বাঙ্গাল।

That is the order of Government, take care lest if Government see that you make engagements and then break them, it should send out a new order. Now you can be decreed in the Civil Court. But many people say that you cheat because you do not fear this, and that a new Law should be made by which if you break your advances you may be

punished by the Magistrate, and they have asked the Lieutenant-Governor to make such a Law. Take care what you do this year. If you cheat the Factory now, those who say you ought to be punished will have a right to be heard by the Government.

The Lord Sahib says—

যদ্যপি তাহারা তঞ্চক করিয়া আপন আপন চুক্তি অনুসারে কর্ম্ম করিতে ধিকার হয় তবে তাহারা এরূপ কুব্যবহারের যে উচিত ফল তাহা পাইবার যোগ্য হইবেক।

Perhaps the fruit may be that such a Law will be made. It depends upon your conduct.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Secretary to the Indigo Planters' Association,—(No. 3173, dated the 13th June 1860.)

SIR,

I AM directed by the Lieutenant-Governor to forward to you a copy of the correspondence noted on the margin, relative to the complaints brought against the proceedings of Mr. Herschel, the Officiating Magistrate of Nuddea, by certain Indigo Planters in that District, which were submitted to Government with your letter dated the 10th ultimo.

To Officiating Commissioner of Nuddea, No. 2432, dated 14th ultimo.
From Officiating Commissioner of Nuddea, No. 45, dated 7th instant, [redacted] enclosures.

2. In that communication the Association represent that Mr. Herschel has not the necessary decision of character and soundness of judgment necessary to deal with the excited state of the people of Nuddea; referring in proof to instances related in the several communications to them from Nuddea Planters, which they append, on which communications they remark that they have entire confidence in the correctness of the facts stated; and to the general fact that the neighbouring Indigo Districts of Jessore and Pubna are perfectly quiet, in contradistinction to Nuddea, which it is intended to argue is not so; and they ask Government, as a question of policy and expediency, considering the excited state of the people of Nuddea, to place another Magistrate in charge of that District.

3. Although, from what he had seen of Mr. Herschel's proceedings both in Arrah and Nuddea, the Lieutenant-Governor had been led to form a very different opinion of Mr. Herschel's official character. He thought it right to have these complaints thoroughly investigated, with reference to the request of the Indigo Planters' Association, to whose views it is his wish on all occasions to give the fullest and fairest consideration in his power. Mr. Lushington's report and Mr. Herschel's explanation, herewith forwarded, are the result of the orders issued upon the application of the Committee.

4. The Lieutenant-Governor will advert first to such of the instances referred to as are sufficiently specific to enable a conclusion to be formed upon them.

5. The first instance is brought forward by Mr. Hills, of Kacheekhattah, who speaks of a "disturbance" which commenced in his quarter, which so-called disturbance, however, it is apparent, was no more than an attempt of the Ryots to combine against cultivating Indigo any more under the existing system. The person designated as the ringleader of this disturbance, who should have been called, if the suspicion against him is true, the leader of the attempted combination, was bound over to keep the peace. It is admitted that there was no evidence of anything against this man, or at least that there was no admissible and credible evidence of any thing against him; [redacted] the charge against Mr. Herschel is that he did not nevertheless send [redacted]m as a prisoner into the Station. Now it is clear that, under the circumstances, a just Magistrate could not have convicted the man of anything, or sentenced him to any punishment, or kept him under confinement for further evidence of which it is not said there was any expectation. The charge against Mr. Herschel is, therefore, either that he did not commit an injustice, which is a charge not to be received; or that he did not stretch his powers beyond the Law, by making this man a *quasi* State Prisoner. Possibly, if there had been any disturbance, or any likelihood of any such disturbance as a bond to keep the peace would not prevent, there might have been an opening for the discussion of this last question. But there was no such disturbance or likelihood of one. And to accuse a Magistrate of unfitness for his duty, because he will not prostitute his powers by unlawfully imprisoning one party in a private disagreement about a commercial transaction, in order to the profit of the other party in that disagreement, is to evince a mistaken conception of the duty of the executive

administration under Her Majesty's Government, all whose subjects in every quarter of the world are equally free and have equal rights.

6. After all it seems probable that it is the act or omission of Mr. Maclean, not of Mr. Herschel, that is impugned, as Mr. Herschel does not recollect having had Mohesh Chatterjee's case before him.

7. Mr. Hills mentions a speech made by Mr. Herschel in the Southern part of the District, which was read in his quarter, wherein Mr. Herschel "proved very logically that if advances for Dhan were worked off, so ought Indigo ones, *but that it was quite optional to them (the Ryots) to perform the latter.*" The enclosed copy of the speech in question will show that Mr. Hills was misinformed, as it does not contain anything like the words underlined in the last part of the above sentence. Mr. Herchel's exposition to the Ryots of their rights and obligations in respect of Indigo, as well as in other respects, it will be seen, was perfectly correct and unobjectionable.

8. As Mr. Herschel was never at Doorgapoor, it is clear that the imputation of misleading Ryots there, founded on what Mr. Hills heard Ryots tell Mr. Tayler, can have no bearing on Mr. Herschel.

9. Mr. Hills complains that an order issued by a young Officer subordinate to Mr. Herschel, which "may not have been legal," but was "the one solitary act of decision displayed by the Authorities" of Nuddea, was cancelled by Mr. Herschel, who issued an order that the Indigo lands might be sown with Rice; to remedy which a third order to the contrary became necessary, the effects of all which, in unsettling the minds of the Ryots, were very bad. Mr. Mears, Mr. Forlong, and Mr. Tweedie all rely also strongly on this matter, praising the original order, and blaming Mr. Herschel's cancelment of it.

10. Mr. Herschel is not responsible for the original order, which was to the effect that lands marked by the Planter for Indigo were not to be sown in Paddy. Such an order to the Police could not possibly be allowed to remain in force. It was not only wholly illegal, but it was flagrantly unjust. It would have made the Indigo Planters the absolute judges of whether Ryots should or should not sow Rice at a profit or Indigo at a loss on their own lands. Any Magistrate or Police Officer, or other person, acting upon it, would have been liable to an action of damages. In any affray arising out of an attempt to enforce it, in which loss of life or other serious personal injury occurred, the position of any

one acting upon it would have been very serious, to whatever Law or Criminal Court such person might be amenable. Mr. Herschel had no other course open to him but to annul the order. He instructed Mr. Maclean to do in his own Sub-division; and he issued a general remedial order to the Police Darogahs of the District, which he prudently directed not to be made public lest it should be misunderstood by Ryots, and which was not and was not likely to be misunderstood by the only persons to whom it was addressed, who were specially instructed to keep it to themselves.

11. By what seems to have been a clerical error in the Magistrate's Office, and either intentional or unintentional mismanagement on the part of a Darogah of Police, this Perwannah in one Thannah *was* published and *was* misunderstood; and consequently, from due regard to *the interests of the Planters*, Mr. Herschel found it necessary to correct that misunderstanding by the publication of a notice. As the correction of a misunderstanding leading immediately to the injury of the Planter, and eventually to that of the Ryot also, this notice was necessary and proper, and the Indigo Planters' Association would doubtless be the last party to object to it. The circumstances which made such a notice necessary are certainly to be regretted. The whole thing was one of those untoward accidents that must be occasionally expected in public affairs. But Mr. Herschel was throughout blameless. The persons to blame were the young Officer who issued the first order, but for whose error of judgment and undue assumption of authority there would have been nothing to correct, and the Native Officers who caused the publication that did all the mischief.

12. This occurrence is the one on which most stress has been laid by those who accuse Mr. Herschel of unsteadiness in his object and line of conduct. Looking at the orders themselves, and at Mr. Herschel's concern with them, the Lieutenant-Governor is of opinion that no blame whatever can fairly be attached to him in the matter. There is nothing unsteady in an Officer whose duty it is to follow the straight line of law and justice himself, and to endeavour to make two opposite parties observe the same line, correcting from time to time, as occasion requires, the contrary errors of both parties.

13. Mr. Mears accuses Mr. Herschel of an unfair bias against the Planters in deciding the cases in which they have been parties. This complaint is supported by no reference to any particular cases, and its

justice is fully disproved by the result of the Commissioner's revision of Mr. Herschel's decisions, which will be mentioned below.

14. Mr. Mears alleges that Mr. Herschel made an untruthful report in regard to Mr. Mears' conduct in the case of the fire in the village of Dood Puttee; and that he showed prejudice in making an exaggerated report of the destruction caused by that fire. Mr. Herschel's explanation refutes this charge. Whether Mr. Herschel's impression was right or wrong, the charge that his report was untruthful is entirely unsupported. After reading the statements of both gentlemen, the Lieutenant-Governor is of opinion that Mr. Herschel cannot fairly be charged with prejudice, either for thinking, rightly or wrongly, that Mr. Mears did not take the best way of disabusing the Ryots of their unfounded suspicion, or for adopting the report of the Darogah as to the amount of the damage done, though that amount does now appear to have been exaggerated.

15. Mr. Forlong objects to Mr. Herschel that he signed the copy of his Perwannah in which the word "not" was omitted, without having it read to him. It is impossible to hold a Magistrate responsible for the accuracy to a word of every copy of an order prepared in his Office for issue to the several Thannahs.

16. Mr. Tweedie accuses Mr. Herschel in general terms of prejudice against the Planters. He mentions that he gave to Mr. Grote a list of some of the cases to which he alludes. The Lieutenant-Governor has received from Mr. Grote but one report of a case in which he thought an error had been made by Mr. Herschel, and in that case the error was in favor of the Planter.

17. The present Commissioner, Mr. Lushington, has gone with great care through all the cases decided by Mr. Herschel against the Factory; and he thus reports the result:—"The proceedings in each case display great pains to arrive at the truth, and the conclusions at which Mr. Herschel arrived appear in my opinion to be just and proper." Considering the difficulties of the position, and the excitement of all parties in these cases, a more satisfactory conclusion, and one more honorable to Mr. Herschel's official character, could not be.

18. Mr. Tweedie now specifies three cases, which have all been examined carefully by Mr. Lushington. None of these, however, were decided by Mr. Herschel.

19. The first of these is that of Mumraz Khan, Burkundauz. This case was decided by Mr. Maclean. Mr. Herschel never before heard of it. The assumption that Mr. Maclean was guided in his decision by Mr. Herschel, on which Mr. Tweedie lays on Mr. Herschel the responsibility for Mr. Maclean's decisions in this and other cases, appears to be wholly unfounded. Mr. Lushington's review shows that this case was overhastily decided by Mr. Maclean on insufficient evidence ; but Mr. Herschel had nothing to do with the matter.

20. The other two cases were instances of great, and to all appearance habitual oppression on the part of Mr. Tweedie's Factory servants. One of these was that of a ploughman, who was seized and " soundly flogged" by the Factory servants, because he would not plough for the Factory, the man's reason being that he had no longer any connexion with the Factory, and had taken advances to work on the Railway. The other was a similar case occurring immediately after the first, in which the man was " dragged to" the Factory and there beaten He was released by a Burkundauz, who thereby prevented a tumult, as the villagers had assembled to release the poor man by force from the Factory. It appears to the Lieutenant-Governor that the punishment of a month's imprisonment was too lenient, considering the intrinsic gravity of these cases—the habit presumable from their occurrence one immediately after the other, and the apparent absence of all endeavours to prevent such misdemeanors on the part of those in whose interests they are committed.

21. After thus carefully going into all the tangible charges, it must be pronounced that Mr. Herschel's proceedings have been entirely unobjectionable. On the other hand, the industry and patience, the intelligence and zeal, and the strong and unfailing love of justice which this Officer has shown under great difficulties, are in the highest degree honorable to him. None of the cases mentioned tend to prove a want of decision or of soundness of judgment in Mr. Herschel.

22. The Lieutenant-Governor will next proceed to examine the general ground on which Mr. Herschel's transfer is recommended, namely, the alleged contrast, to the disadvantage of Nuddea, of the state of Jessore and Pubna as compared with the state of Nuddea, Mr. Herschel's District. It is said that Jessore and Pubna are perfectly quiet, and that in them the sowings are completed.

23. On the point of quietness the Lieutenant-Governor remarks that, as a matter of fact, all the reports show that no such contrast exists. The people of Nuddea have been perfectly quiet. The tranquillity of the District has been undisturbed, though the feelings of the people in a matter of intense interest to them have been violently excited, and many of them have suffered severely under the late Indigo Act. This speaks highly of the success of the arrangements made, and of Mr. Herchel's management. There have been violent outbreaks in Moorshedabad and Pubna, but nothing of the sort in Nuddea. The patient and peaceful behaviour of the villagers in Nuddea, under the circumstances, has been remarkable, and is equally creditable to them and to the District Authorities.

24. On the point of the completion of the sowings, it is to be remarked that this is not a matter in which the Magistracy and Police are primarily or mainly responsible. It is not under their control. It depends on the relations of the two parties concerned, the Planters and the Ryots, neither of whom can be forced by any Police process to do what they do not wish to do, and even in this respect the contrast is not wholly unfavorable to Nuddea. In a part of the Moorshedabad District, where the oppression of a favorite Factory Gomshtah, whom no complaints would induce his master to remove, was perhaps more intolerable than in any similar case in Nuddea, the Lieutenant-Governor is led to believe that the determined refusal to cultivate Indigo has been even more strongly shown than in any part of Nuddea. And it was in Nuddea that the violent feeling lately shown against Indigo Planting first displayed itself. So long ago as in August last petitions were received from Ryots of Nuddea complaining of the oppression of certain Factories, and the impunity of those who committed it: and this feeling which had not then shown itself in other Districts had risen to a great height, and had commenced to show itself in a threatened refusal to cultivate in that District long before Mr. Herschel's arrival in it. That gentleman did not take charge of Nuddea till the 20th of February last, when a crisis was already inevitable. Indeed it was because of the open and declared discontent with the Indigo system there that Mr. Herschel, who had shown himself in Shahabad capable of doing good service, was selected for the office he holds. It would be, therefore, in the highest degree unreasonable and unjust to blame Mr. Herschel because the quarrel between Planters and Ryots is more decidedly manifested in Nuddea than in Jessore and Pubna.

25. So far as the Law warrants the interference of the Magistracy in inducing Ryots to fulfil their contracts, or in awarding damages for non-fulfilment, there is certainly no just ground of complaint against Mr. Herschel on the side of the Planters. No pains had been spared by him in endeavouring to persuade the Nuddea Ryots who ought to cultivate to do so. Some hasty and erroneous orders have been passed by Mr. Herschel's Subordinate Officers, and have been brought to the Lieutenant-Governor's notice by the Commissioner, who has been directed to be very watchful; but with the exception of the case of Mumraz Khan, Burkundauz, above mentioned, all the errors thus brought to his notice have been on the side of the Planter. In one case only has a proceeding of Mr. Herschel been questioned by the Commissoner, in which, as above observed, the error was against the Ryot in favor of the Planter.

26. The Lieutenant-Governor is not at liberty to judge merely from the complaints of dissatisfied parties in Civil and Criminal suits. He has received complaints of the Nuddea Magistrates from both sides, and this circumstance does not lead him to infer partiality or prejudice on either side, in Mr. Herschel's general management. It is now a fact judicially established, and whilst in many cases Ryots under legal obligation refused to cultivate, in many cases endeavours to force Ryots to cultivate who are not under legal obligation to do so, have been made. It is to Mr Herschel's lasting honor that, whenever no compromise was possible, he did his best to carry into effect the design of the Law, by discriminating between these two classes of cases, and to do justice, between man and man according to the evidence in each case that was forced by both parties to trial. In so doing he must often have displeased both parties; but he has done his duty in accordance with justice and law, and he deserves all the credit and support the Government can give him.

27. On these grounds, and in concurrence with the opinion of the Commissioner of the Division, after having given his best attention to the application of the Indigo Planters' Association, the Lieutenant-Governor, with every respect for that body, is unable to act upon their recommendation, by removing Mr. Herschel from the office of Magistrate of Nuddea.

No. LI.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 2285, dated the 8th May 1860.)

SIR,

I AM directed by the Lieutenant-Governor to request that you will be so good as to submit a Report on the manner in which the Jessore Magistrates have tried the Indigo cases in that District. The Report is called for in consequence of published complaints alleging that Ryots have been convicted and punished in Jessore on extremely insufficient evidence. The Lieutenant-Governor has every expectation that these complaints will be found, on enquiry, to be quite unfounded; but there is nothing before him on record to show that this is the case. The Lieutenant-Governor is therefore anxious to have a Report from you on the subject after you have gone carefully into several of the cases.

2. With reference to an article in the *Hindoo Patriot* of 5th May, (a copy of which accompanies,) the Lieutenant-Governor desires that you will report, after enquiry, on the allegation therein made that Mr. Molony confined for a considerable time large numbers of men in a small brick godown, belonging to a Factory, for want of bail, required on grounds not explained.

3. A full report is also called for on the case of the Joyrampore Mullicks remarked upon in the same article. The Lieutenant-Governor has a full expectation that in this case as in all others the Magistrates' proceedings will prove to have been proper, but the statement in the paper in question seems to demand attention, because the same article contains a similarly inculpatory statement of another case, namely the unlawful sentence of a Mooktear in Nuddea, by Mr. Betts, which official reports have shown to be, unfortunately, too well founded.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 48, dated the 8th June 1860.)

SIR,

I HAVE the honor of acknowledging the receipt of your letter No. 2285, dated 8th ultimo, and in reply to report as follows, on the several matters to which it refers :—

I. The alleged charge that Ryots have been convicted and punished in Jessore under Act XI. on extremely insufficient evidence.

2. I regret to report that, after a careful examination of the Records of numerous cases from both Jessore and Kishnaghur, there are just foundations for this grievous reproach. I beg, however, to state in palliation that, when this Law was first introduced, there appears to have been a general impression that the proceedings were to be as summary as possible, and consequently documents were taken as valid, accounts admitted as correct, and evidence received as sufficiently trustworthy, which, on a more mature and careful examination, would have been rejected as utterly worthless. Officers are now however better acquainted with what is required of them, and have accordingly taken more pains to form just and correct decisions.

II. That Mr. Molony confined for a considerable time large number of persons in a small brick godown belonging to a Factory for want of bail required on grounds not explained.

3. The information afforded by Mr. Molony on this matter in the two accompanying communications is, I think, satisfactory. He explains that the defendants were Prisoners who were implicated in cases which had to do with the disturbed state of the country when Mr. Skinner first came to Kalopole, and were in hajut in default of finding security for their attendance. Mr. Molony shows that the men were treated not only properly, but with some indulgence, and that the accommodation which was given in the Factory was ample for the greatest number that ever was confined there.

III. The case of the Joyrampore Mullicks.

4. This is not a case under Act XI. but two separate cases instituted on 12th and 22nd March; in one a Takeedgeer of Mr. Mears was plaintiff, and in the other a petty Talookdar, also connected with Mr.

Mears. The charge in both cases was of the same nature, *viz.*, that the Mullicks had come out of the Kishnaghur District, where they have their homes, into the Jessore District, and there threatened the plaintiffs with personal violence if they refused to join their party in a combination against the cultivation of Indigo. The defendants were summoned through the Darogah, and when brought before the Magistrate were required to give 200 and not 400 Rupees security for their personal attendance. They were subsequently found guilty by Mr. Molony of being likely to cause a breach of the peace, by forbidding people with threats to sow Indigo, and sentenced by him, under Act V. of 1848, to enter into their own recognizances into the sum of Rupees 200 each, to keep the peace for the space of one year.

5. I have perused the proceedings of both these cases, and think the evidence in support of the charges quite unworthy of credit. Indeed, the two cases bear the appearance of having been trumped up by the plaintiffs, for the purpose of getting a number of people out of the way who were otherwise likely to prove an impediment to the well being of Mr. Mears' Factories in that part of the country. The defendants, however, had the right of appeal to the Sessions Judge, which they do not seem to have exercised.

P. S.—The return of the original enclosures is requested when no longer required.

From E. W. MOLONY, Esq., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 64, dated the 15th May 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 83Ct., dated the 10th instant, forwarding a copy of the *Hindoo Patriot* Newspaper, dated the 5th idem, and calling upon me for an explanation of the allegation contained in a letter of one of its anonymous Correspondents.

2. The Correspondent commences by stating that I have chosen for my Hajut a small old brick godown of the Factory, capable of accommodating at the most ten or fifteen persons. The real truth is that, on my arrival at Soobdee on the 24th of March, the Hajut Prisoners were accommodated in a Bengalee house which was on the 28th represented to me by the Nazir as not affording sufficient accommodation for them.

They were therefore transferred not to a small brick godown of the Factory but to the dwelling house of the Soobdee Factory, containing three rooms and ample accommodation for the greatest number that ever was confined there. As there is no Bazar at Soobdee this building was the only one available. On the 28th, the day on which the Hajut was moved to the Factory, the number confined was fifty-eight. The previous day it was forty-six. The men were those implicated in cases which had to do with the disturbed state of the country when Mr. Skinner first came to Kaloopole and were in Hajut in default of finding the necessary security for their attendance. On the 30th of March a Guard from Lieutenant Howard's Detachment of Goorkhas was placed over the Prisoners, who on that day only numbered sixteen. The statement of the Newspaper Correspondent to the effect that they were only allowed to breathe the air twice a day and were subjected to the insulting language and blows of the Peons, is in direct opposition to the truth. The Prisoners were in charge of a Goorkha Guard and were daily in attendance at my Cutcherry where they remained all day in the open air under the shade of trees. They were besides of course allowed to cook and eat their meals.

3. It is true that several defendants in cases petitioned with others that they wished to leave the confederation which had been got up and prayed for protection against those who had been intimidating them by threats and otherwise to join. These men formed but a very small proportion of those who did thus petition, and there is nothing wonderful in their joining in them. The Petitions that were made on this subject were given perfectly voluntarily. To show you the falsity of the allegations, I give you the number of Prisoners* confined for the first four days that the Factory dwelling house was occupied, from which it will be seen that the number did not daily increase. I had not a single complaint of any mal-treatment or indignity to which any Prisoner was subjected. On the contrary every liberty was allowed to them, consistent with safe custody even to allowing those who professed to be keeping the Rumzan fast to cook at night.

* March 28th 58
„ 29th 40
„ 30th 16
„ 31st 24

4. The matter of the Joyrampore case, alluded to in another paragraph of the libellous, and an authenticated letter of the Newspaper Correspondent, I have answered in a separate letter which accompanies the records of the cases.

5. I beg to return the copy of the Paper received with your letter now under answer. The 1st paragraph of your letter has been answered yesterday.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 5Ct, dated the 15th May 1860.)

SIR,

I HAVE the honor herewith to forward the Records* of the cases against some dwellers in Joyrampore Village, which are alluded to in your letter No. 80Ct., dated the 9th instant.

* By Banghy.

2. These cases have also been made the subject of an anonymous letter in the *Hindoo Patriot*, to which you call my attention with reference to your call for the cases.

3. I beg to deny that on "pretence" that those parties had been instigating the Jessore Ryots to break their contracts. They were summoned out of "friendship" to the Planters. The Records will show the date of attendance and the date that security was given by the Defendants in the cases. I know nothing of the bribe of ten per cent. alluded to as having been paid to my subordinate Officers (I presume the Nazir). I think I am right in saying that Manickdee is not Mr. Mears' "Elaka," and that there is only one Moodee in the whole Village. I am not aware what arrangements were made by the Defendants for their own accommodation. The next statement regarding their standing in the sun at the door of my Tent and being compelled to do so is a deliberate falsehood. It is true that Taranchunder Mookerjee came to me outside my Tent one evening after Cutcherry, and said he wanted me to make a settlement between him and Mr. Mears. I told him I could have nothing to do with such arrangement, and that it was in his own hands to do what was right, in which case I had no doubt Mr. Mears would forgive him, (he had been a servant of the Factory originally I understand.) These Mullicks cited as witnesses some of the Kishnagur Police who could not be spared to give evidence; this fact was communicated to me by Roobookaree from Mr. Herschel. I then verbally ordered that, as the case would remain pending some time, the Defendants should attend at Jessore Sudder Station, instead of in the Mofussil. I did this as it appeared advisable to me to remove them from the place in which they had done so much mischief, and in which I had reason to believe that they were still setting up Ryots. I

gave them one whole day between the day of the order and that on which they were to appear at the Sudder Station Cutcherry as they were on security. There was no reason why they should not ride or go in palanquins. The distance is some forty or forty-one miles. Before this order was recorded Taranchunder Mookerjee requested to be allowed to go, and do his best to settle matters in his Village. This request I did not consider myself at liberty to refuse, when it was so desirable that matters should be arranged, and I accordingly sent the men to Mr. Maclean with their Petition and asked him to depute a good and trust-worthy man from his Office to accompany them. Grish Chunder Bose, Darogah, was deputed, and the Joyrampore disputes would in all probability have been brought to an end, had it not been for the arrival at that critical time of Mr. Herschel's Perwannah regarding Dhan sowings, which was, I believe, misinterpreted by the Ryots. They were unsuccessful in their endeavours to settle, and on their return, after the expiration of the period allowed to them, the cases were disposed of in the manner you will see from the Records.

4. I think the assertion about my riding over to Goldar that evening is false; that I was overtaken by a thunder storm certainly is so; and that my object was to have any communication with Mr. Meares is also false. (Mr. Mears does not live at Goldar). The request of the Defendants to be allowed to use their influence to settle was perfectly voluntary, and by securing the deputation of a trust-worthy Officer of Mr. Maclean's Court every precaution was taken to prevent any influence they might have with the Ryots being unduly exercised.

5. The Petitions to be allowed to absent themselves from Court for four days are with Mr. Maclean at Damoorhoodah, having been sent to him in original.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of Nuddea,—(No. 3239, dated the 16th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 48, dated the 8th instant, reporting upon the administration of Act XI. of 1860 by the Magistrate and Joint Magistrate of Jessore, from which it appears that some portion of the representations

contained in the *Hindoo Patriot* Newspaper of the 5th ultimo, is not altogether without foundation.

2. It appears to be the case that both in Jessore and Kishnaghur Ryots have been convicted and punished, under Act XI. of 1860, on insufficient evidence. In palliation of this you urge, in the 2nd paragraph of your letter, "that, when the Law was first introduced, there appears to have been a general impression that the proceedings were to be as summary as possible, and consequently documents were taken as valid, accounts admitted as correct, and evidence received as sufficiently trust-worthy, which, on a more mature and careful examination, would have been rejected as utterly worthless."

3. The Lieutenant-Governor observes that there is nothing in the Law to have warranted the idea, that it was intended that facts should not be fully enquired into, and that men not proved to be guilty should suffer, because it would take time to get at the truth; and no Officer who had paid any regard whatever to the instructions circulated by Government, when the Law was first passed, could have fallen into such an error. In paragraph 4 of my letter No. 1290, dated the 28th of March last, it was impressed on the Magistrates, that it was "beyond all necessary to be extremely careful in the execution of the new Law, and, in all proceedings connected with Indigo cultivation, not to confound Ryots who have not contracted and taken cash advances for the current season with those who have; and, when the question of fact is raised, to spare no pains, in the truest spirit of equity between both parties, to get at the real truth." And again, after the final passing of the Act in its amended form, a further caution was conveyed in my letter dated the 4th of April, to the effect that "these changes add materially to the responsibilities of the Officers vested with Magisterial powers under the Act; and they make it more than ever imperative on those Officers to give their utmost attention to the equitable principles it will fall to them to apply, and to the careful ascertainment of the facts whenever there may be any dispute of facts regarding the nature as well as regarding the existence of an agreement such as is provided for." Though this caution referred particularly to the Civil suits cognizable under the Act, its spirit was equally applicable to trials under its penal Clauses.

4. You will be so good as to express to the Officers whose hasty decisions have been brought to notice, the Lieutenant-Governor's

disappointment at the little regard with which his repeated instructions have in too many cases been treated.

5. The Lieutenant-Governor considers the explanation given by Mr. Molony, in regard to the confinement of certain Prisoners in a Factory godown at Kaloopole, to be satisfactory. The case of the Joyrampore Mullicks calls for no remarks.

6. I am to request that you will forward a copy of paragraphs 1 to 3 of the letter to each of the Officers in the Indigo Districts, exercising full Magisterial powers.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division,—(No. 1886, dated the 23rd April 1860.)

SIR,

WITH reference to the Extract, marginally quoted, from an article which appeared in the *Indian Field* of the 21st instant, I am directed by the Lieutenant-Governor to request that you will have the goodness to ascertain by enquiry whether the representation therein made, as to the manner in which the new Indigo Law is worked, is in any degree founded in truth.

"THE INDIGO ACT."

"In Jessore it has been most oppressive in practice. The Planters of that District, having the ears of the Hakims, have succeeded in completely crushing the Ryots. The Fouzdary Adawluts have been converted into veritable inquisitions, and have adopted the most illegal and arbitrary measures for the forcible cultivation of Indigo. They have, we are informed, issued Perwannahs to Darogahs to make the Ryots sow the Indigo plant anyhow they can, and Jemadars and Burkundazes have been stationed in different Villages to carry out the instructions embodied in the Perwannahs. People who have worked out their advances, and people who have not taken advances at all, have been compelled to sow Indigo. Fields cultivated with Rubbee and Chenna have been ploughed up by Togitgars and Ameens and re-sown with Indigo."

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 44, dated the 7th June 1860.)

SIR,

ON receipt of your letter No. 1886, dated 23rd April last, my predecessor called upon the Magistrate of Jessore to forward copies of all Perwannahs issued by him to the Police since the 1st February last, in which any reference was made to the sowing of Indigo, or to the line of conduct they should pursue where the Cultivators refuse to sow for the Factory. Mr. Grote also desired to be informed whether the

Magistrate had authorized the Police to interfere with the sowing of Paddy on lands cleared for Indigo.

2. In answer to this call, Mr. Molony stated that no orders authorizing the Police to interfere with the sowing of Paddy had been issued, though other Perwannahs besides general orders had been issued in connection with Petitions and cases not having connection with the general question, a statement of which could be forwarded if required.

3. I accordingly called for this Statement and beg now to report *first*, as regards the general Perwannahs, and *secondly*, as regards the cases in the Statement above-mentioned.

4. Four general Perwannahs only were issued on the subject of Indigo, three of these appear to be perfectly correct and proper; the fourth, dated 19th March, is also equally correct, but it was to withdraw an exceedingly improper order of the Joint Magistrate, dated 12th March, on a Petition of some Ryots to the effect that Mr. Mears was forcing Indigo sowings at the point of the stick, and on which the Joint Magistrate observed that such could not be the case, no instance of violence or oppression having been brought forward, and that since the Nuddea Ryots had been spreading false stories about sowings, from which a disturbance might ensue, the Darogah will prevent any person interfering with Mr. Meares' sowing on his own lands, and if any one does so, the Darogah will arrest and forward him with the witnesses. The Darogah will also enquire and report who is making this conspiracy.

5. The following is a List of the cases with the orders passed on each :—

List.

Name of the Prosecutor and the Defendant.	Abstract of Complaint.	Date of Order.	Order passed.	Name of the Officer passing orders.
Alex. Macarthur of Meregung Factory *vs.* Ryots of Shibgram, &c.	Combination of the Ryots by the evil counsel of the servants of Goorcodoss Roy, attached to his Cutcherry at Boolmary, to threaten a breach of the peace, in order that the Istmoorary Indigo land belonging to Mr. Macarthur may not be sown with Indigo.	2nd March.	Ordered, that a copy of the Petition be sent to the Darogah, who will take care that there be no row on the Planter sowing those lands with Indigo, of which he can produce pottahs, or there be no opposition to his doing so, and that the Darogah will also take care that no row takes place about the sowing of the land which was sown last year.	Mr. E. W. Molony, Magistrate.
Ditto *vs.* Ryots of Chur Naraindeah.	Combination of the Ryots to threaten a breach of the peace and not to allow the Planters' Pattee Land being sown with Indigo.	10th March.	Ordered, that the Darogah will take care that there be no row about the sowing of those lands with Indigo of which the Planter can produce pottahs and which are entered in his Ledger.	Ditto.
Mr. Durand of Nischindpore *vs.* Bhojogobind Sing, Tehsildar of late Ramrutten Roy.	Order of the Ticcadar and others to the Ryots of Surdalpore, Sonaye Keondie, Malladangah, &c., to combine and threaten a breach of the peace for the purpose of preventing the sowing of Indigo.	2nd April.	Ordered, that the Darogah will take care that there be no row on the Planter sowing Indigo on those lands of which he holds pottah and which were sown last year.	Mr. C. B. Skinner, Joint Magistrate. A Perwannah was issued.
Goguncchunder Biswas *vs.* Ryots of Dhurlubpore.	Combination of the Ryots to oppose Indigo sowing.	9th "	Ordered, that the Police will take care to prevent any persons interfering with sowings on the Prosecutor's Nijabad land, and with regard to Ryots who had taken advances they might be sued under the new Law.	The Magistrate. A Perwannah was issued.
Bhaloochunder Borick, on behalf of Mr. Storm, *vs.* Chundromoney Ghose, Naib of Rausmoney Dossee.	Giving bad counsel to people not to sow Indigo.	17th "	Ordered, that the original Petition be sent to the Darogah who will make an enquiry, and if the charge be proved will forward the Defendant, on 50 Rupees' security, with proof. The Darogah's Report on the compromise of this suit is with the Nuthee.	Mr. C. B. Skinner, Joint Magistrate.
Ankajuddah Haldar, on behalf of Mr. Bray, of Shamgunge, *vs.* Ryots of Dhoyil, &c.	Assemblage of the Ryots to threaten a disturbance with the view of preventing sowings.	20th "	Ordered. that a Perwannah be issued to the Darogah who will arrest the Ryots and send them to this Court, with proof, if they have assembled together, and the Planter can bring cases against them under the new Law if they have broken through their contract.	Ditto.
Hoydur Mahomed Sheikh, on behalf of Mr. Tweedie, *vs.* Baool Shaddar and others of Bausdebpore.	Ryots were assembling and would not sow Indigo on the lands sown last year, but Paddy instead.	" "	Ditto.	Ditto.
Kader Khallasey, on behalf of Mr. Tweedie, *vs.* Ryots of Rajarampore.	Ditto.	" "	Ditto.	Ditto..

Allamdee Khallassey, on behalf of Mr. Tweedie, *vs.* Ally Mollah, Chaprassey, &c.	Assembling together and breaking through contract and persuading others by evil counsel to follow their example.	28th April.	Darogah to enquire according to the new Law and to send in the Defendants with the proofs against them.	Mr. C. B. Skinner, Joint Magistrate.
Moheschunder Sikhdar, on behalf of Mr. Tweedie, *vs.* Manick Lonker and others of Duttparah.	On going to sow on land which was under engagement people threatened disturbance.	" "	Ditto.	Ditto.
Moneeruddey Sheikh, on behalf of Mr. Tweedie, *vs.* Tarunchunder Chuckerbutty and others, of Shachally.	Assembling together, giving out that they would not sow Indigo on their respective Indigo land and putting obstacles to sowing Indigo by bad counsel.	" "	Ditto.	Ditto.

6. The perusal of the orders in the above cases will, I think, at once shew to the Lieutenant-Governor that they were entirely in the interest of the Planter and against the Ryot, and that the Planter had only to secure the support of the Darogah, and he could sow what lands he pleased, and consequently there are *primâ facie* good grounds for assuming that the assertions made in the extract of the *Indian Field* forwarded with your letter under acknowledgment are more or less true.

7. When these partial orders, issued by the Magistrate and Joint Magistrate of Jessore, are compared with those issued in Kishnaghur, in which every pains was taken to make the Ryot know his true position, it is not difficult to understand why the aversion to the cultivation of Indigo exhibited by the Ryots of Kishnaghur was not shewn to an equal extent by the Ryots of Jessore, or why it was only shewn in the Villages of the latter District bordering on Kishnaghur, and how it is that the Bengal Indigo Association and other Gentlemen greatly interested in the cultivation of that crop, are universal in the praises of Mr. Molony, and in the condemnation of Mr. Herschel's system of management.

NOTE.—Nearly all Mr. Molony's breach of contract cases came from border villages.

8. In submitting these remarks on Mr. Molony's orders, I beg the Lieutenant-Governor to take into his favorable consideration the fact that Mr. Molony looked upon the time as one of great excitement, that it was his business to repress to his utmost such excitement spreading in his District, and that he accordingly pursued a line of policy which has too frequently been the line of policy heretofore. He has also the merit of having been entirely successful, but after such disclosures of his system, the comparative tranquillity of Jessore during the last three months can be no argument in favor of the Ryots in that District being really more partial to the cultivation of Indigo than the Ryots of Kishnaghur.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Officiating Commissioner of the Nuddea Division,—(No. 3261, dated the 15th June 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 44, dated the 7th instant, submitting the result of your enquiry into the

proceedings of the Magisterial Authorities in Jessore, which were complained against in an article in the *Indian Field* Newspaper of the 21st of April last.

2. The Lieutenant-Governor desires that you will send both Mr. Molony and Mr. Skinner a copy of your Report, and that you will inform them that in the Lieutenant-Governor's opinion the cases mentioned require explanation, as unexplained, they convey the impression that justice has not been sufficiently regarded on the whole in Jessore.

3. There have been many anonymous complaints accusing Mr. Skinner of injustice to Ryots and partiality to Planters, especially to Mr. Mears. The Lieutenant-Governor disregards all such complaints, and if Mr. Skinner has failed in doing justice, he is confident that it is owing to some mistaken view and not to intentional partiality. But it is impossible to be surprised at such complaints being rife after reading the description of Mr. Skinner's order on a Petition of certain Ryots against Mr. Mears' proceedings, given in paragraph 4 of your Report.

4. That order appears to have been very properly recalled by Mr. Molony; and it is unnecessary to discuss its impropriety. But it is incumbent on Mr. Skinner to explain the views under which he satisfied himself of the lawfulness and equity of such an order upon such a Petition. Mr. Skinner will explain how he considered himself justified in assuming, without evidence or enquiry, that the facts stated in the Petition were untrue, and that the contrary was true; and why he did not give the Petitioners an opportunity of proving their complaint. Also how, apart from all questions of jurisdiction, he considered himself justified in deciding the question of right, as between the Planter and the Ryots, in favor of Mr. Mears without any sort of trial, or evidence, or enquiry. Mr. Skinner will further specify the Law or order under which he conceived himself to be acting when he issued that order.

5. Mr. Skinner must also give a full explanation in the case of each of the other orders issued by him, which are entered in the Table appended to the 5th paragraph of your letter. He will explain particularly what sort of document is meant by the Pottahs mentioned. He will explain why in such of these orders as were issued after the 24th of March, when the Indigo Law came practically into effect, and especially after the 4th of April when it came in its present form fully into effect,

he ignored the provisions of that Law; and how he considered himself lawfully empowered and warranted in reason and justice in making over practically to such persons as Darogahs of Police, who have no power even to enquire into such cases, the decision of disputed questions of legal obligation, which by that Law are cognizable by Officers having Magisterial powers. Further, on what grounds he ordered the Police to enforce the sowing of Indigo this year on all land that happened to have been sown with Indigo last year, which seems to have been the object of some of these orders.

6. The orders of the 17th and 28th of April particularly demand explanation, as they direct the Darogah to make an enquiry into cases under the Indigo Act, by which it is provided that the trials shall be conducted wholly by the Magistrate. In this not only the Law, but the instructions of Government for the just administration of that Law, seem to have been wholly disregarded.

7. Mr. Molony must give a similar explanation of such of these orders as were issued by him, and generally he will explain the view under which he considered himself justified, *first* by Law; and *secondly* by natural equity and good conscience, in a line of proceeding which seems to warrant the description given of it in the 6th paragraph of your Report.

8. The Lieutenant-Governor is fully prepared to give all due weight to the considerations mentioned in paragraph 8 of your letter. But he observes that the Commercial dispute between Planter and Ryot must not be confounded with a breach of the peace, though the one was properly regarded as likely to lead to the other, if proper measures of prevention were not adopted. The Magistrate's natural and primary duty regarded the tranquillity of the District, and no coercion by the Police was justifiable, except for this object.

9. As to the Commercial difficulty, the late Law provided as fully for that as the Legislature thought it right to provide. Nor does any one hold that the Law did not go far enough against the Ryot. The intention of that Law was to discriminate between the cases of Ryots under legal obligation to sow Indigo, and Ryots not under such legal obligation; to provide for the just decision of cases in which the obligation is disputed; to induce Ryots under obligation to fulfil their obligation, and on refusal to make them pay reasonable damages; and to interfere in no way with Ryots not under obligation, who were the

be left to do as they liked under the effective protection of the Law.

10. In Jessore, as in Nuddea, the peace has been preserved. So far all credit is due to the Jessore Magistrates. But if it should prove that in the former District any considerable number of Ryots who were not under legal obligation to sow have been forced by the unlawful interference of the Police to sow for the profit of Planters on terms unprofitable to themselves, the result is any thing but successful. The Legislature and the Government intended no injustice.

From E. H. LUSHINGTON, Esq., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 156 Ct., dated the 20th June 1860.)

SIR,

I HAVE the honor to submit the accompanying joint decision, in original, by Messrs. Molony and Skinner, which I think will be found to support the remarks I offered in my letter No. 44, dated 7th instant, on the method followed in Jessore in dealing with cases connected with Indigo.

2. On the 22nd March a Petition was presented by a Mookhtear on behalf of Mr. G. Meares, stating that the Police were unable to afford him the protection they had been directed to give him; that certain people still continued collected together, who had raised arms, refused to admit the Factory servants into their Villages, and repudiated Indigo cultivation and the payment of their just rents; and that, unless heavy securities were demanded of them, serious consequences might ensue when the time for sowing had arrived.

3. An order was accordingly passed on the Darogah directing him to send in the witnesses.

4. On 30th March, a Takeedgeer and three witnesses appeared in Court, and deposed to the effect that the Takeedgeer went into a certain Village where the Defendants with several others were sitting in consultation; and that on seeing him they abused him, and declared they would not sow Indigo, and that if the Factory people tried to come into their Village for this purpose, they would drive them out.

5. None of the three witnesses above referred to were inhabitants of the Village in question, but had arrived whilst the Takeedgeer was there; and not one of them attempted to assert that the Defendants were armed, but that they were all seated in consultation, and in the presence of the Takeedgeer made use of abusive language towards him.

6. After recording these depositions, the Joint Magistrate directed the Police to apprehend eighteen persons, and to send them in on Rupees 50 security, but as they were unable to find this security they were confined in Hajut.

7. Some of the accused, when put on their defence, alleged that the case had been brought against them because Mr. Meares had oppressed them, and they had complained at the Thannah, and others simply denied the charge.

8. On the 9th April four Defendants were sentenced by Mr. Skinner to Rupees' 20 fine, or three weeks' imprisonment with labor, commutable to a fine of Rupees 10 each. On the 16th four were similarly sentenced by Mr. Molony, and on the 18th, another Defendant was likewise punished by the latter gentleman.

9. On the day following the last mentioned date, Mr. Meares presented a Petition to the effect that, as some Defendants had been punished and others had agreed to sow, he wished the case to be disposed of. The Defendants also filed a Petition admitting their liabilities; and under these circumstances Mr. Molony accepted Mr. Meares' Razeenamah, and ordered the Prisoners' release.

10. The above is, I believe, a correct representation of the circumstances of the case, as obtained from the Records, and I would now beg the Lieutenant-Governor's attention to the following points connected with these proceedings.

11. *First*, as regards the orders on Mr. Meares' Petition, presented through his Mookhtear on the 22nd March. Though the Darogah was alleged to have been previously directed to protect Mr. Meares, no explanation was called for from him why he had failed in this duty, or whether there was any truth in the allegations brought forward by the Mookhtear of there being this illegal assemblage. He was merely directed to send in the witnesses mentioned in Mr. Meares' Petition, of the nature of whose statements Mr. Meares must have been pretty well acquainted before appending their names to it.

12. On the arrival of these witnesses, one, the Takeedgeer, was made prosecutor. No reason is assigned for this proceeding, but I presume it was done with the object of fixing the offence of "illegal assembly" more definitely on the Defendants, as he mentioned a particular date on which the accused were found assembled together.

13. On considering the evidence of the prosecutor, and of the three witnesses, it appears to me that no criminal offence was proved, and that the proper course would have been to have dismissed the complaint, leaving Mr. Meares the option of prosecuting the Defendants under the new Law for breach of contract, which at that time, 30th March, was practically in operation.

14. Mr. Skinner however thought otherwise. But even allowing a very large margin for a difference of opinion, the offence could not have exceeded that of using threatening and abusive language, for there could have been no riotous assemblage where the men were found sitting down in consultation, and who were never proved to have laid violent hands on the person of the Prosecutor.

15. Under such circumstances, the utmost which could have been legally done, supposing the charge of abusive language as *primâ facie* established, would have been to have granted a summons on the Defendants, who should have been placed on Moochulka pending trial. But instead of that the Defendants were ordered to be apprehended through the Police, and, on failing to give the amount of security demanded from them, they were confined in Hajut.

16. The last point requiring notice is the release by the Magistrate of the Defendants convicted and punished by the Joint Magistrate and himself.

17. Under any circumstances this order was directly contrary to Law, but in this particular instance very peculiar circumstances seemed to attend it. The sentence was not remitted because it was discovered to be unjust or informal; on the contrary the offence against the Law, for which the men were punished, was altogether put out of sight and they were discharged because they agreed to fall in with the terms of the Prosecutor's demands, the justice or injustice of which had never been before the Court, and because the Prosecutor had satisfied himself that there would be no longer any impediment to his conducting his commercial business in that part of the country in the way most agreeable to his own wishes and interests.

Appendix A.

Number.	Prosecutor.	Witnesses and document.	Prisoners.	Witnesses and document.	Crime charged, when perpetrated, and date of complaint.	Crime established, or date of acquittal.	Sentence and when passed.	Decision and grounds thereof.
	Bhagai Sheikh.	1. Haladar. 2. Ferat.	1. Dulloo of Bailinund. 2. Dooman. 3 Kyruddee. 4. Goolamee. 5. Selamut. 6. Kassinath. 7. Sooltan, of Satgarree. 8. Matabdee. 9. Tahere. 10. Bhajjun, of Noornuggur. 11. Dohar. 12. Badoollee. 13. Mirzau. 14. Dhonai, of Hurrobarraoddee. 15. Ropman. 16. Misree 17. Annuloram. 18. Ishva Dos, of Manickdee. 19. Goopinath. 20. Buddun. 21 Ram Roodro.		Abusive language and attempted assault, with riotous conduct, on 2nd Choitra.	Crime charged.		*Bhagai Sheikh*, Pakyutgeer of Kajoorah, on 2nd or 3rd Choitra, 9 or 10 A. M., went to look at Indigo lands. Defendants were sitting and talking about "the Queen's order is, that no more Indigo shall be sown." They drove me away, and said I should not go to the Village. Defendants were in Balliacandy, in Sullor's gwal

door, at Dulloo's gwal.

Haladar, ditto.

Ferat Oolla, ditto.

Chundee, bearer, ditto. I have no advances. Am a palkee bearer, and have nothing to do with Saheb, and a Ryot of Mutthooranath Acharjya.

1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 21, sent for through Police, on 50 Rupees' security, 31st March 1860.

Defendants deny the charge and say that they will sow if others sow; that the case is brought because they were averse to Indigo, &c., &c.

1 says he has three and a half beegahs agreed for.

8 says he has five beegahs of Khatto, and works on the Railroad.

Defendants 18, 19, 20, 21, have simply denied the charge, and produce no witnesses for their defence.

I sentence these four Defendants each to 20 Rupees' fine, or three weeks' imprisonment with labor, commutable to a fine of 10 Rupees each,

payable in two days, as, under the peculiar circumstances of these parts, such proceedings are very reprehensible.

(Signed) C. B. SKINNER,
The 9th April 1860. *Magistrate.*

The Defendants Nos. 7, 9, 11, 12, having this day appeared, are sentenced as above.

(Signed) E. W. MOLONY,
The 16th April 1860. *Magistrate.*

The Defendant No. 10 is sentenced this day as above.

(Signed) E. W. MOLONY,
The [illegible]*th April* 1860. *Magistrate.*

The Plaintiff has given in a Razeenamah in this case, and the Defendants have given in a Petition acknowledging their liabilities. Under the circumstances, therefore, I see no reason for prosecuting his case any further; and, accepting the Razeenamah, release the Defendants.

(Signed) E. W. MOLONY,
The 19th April 1860. *Magistrate.*

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to E. W. MOLONY, ESQ., Magistrate and Collector of Jessore, and C. B. SKINNER, ESQ, Joint Magistrate of Jessore,—(Nos. 3476 and 3477, dated the 30th June 1860.)

SIR,

I AM directed by the Lieutenant-Governor to forward to you the accompanying copy of a letter* from the Officiating Commissioner of Nuddea, and to request that you will be so good as to submit, without delay, through the Officiating Commissioner, such defence of your conduct in relation to the whole of the case therein remarked upon as you may have it in your power to afford.

* No. 156Ct., dated the 20th instant.

2. The Lieutenant-Governor will hold his judgment in suspense, pending the receipt of your defence; but I am to observe that it will be incumbent on you to explain in the fullest manner, omitting no

favorable circumstance, every point in this case, in respect to the lawfulness, the reasonableness, and the natural justice of your orders; because you should not fail to see that the charges into which the Officiating Commissioner's letter resolves itself, not only effects your official character in regard to your general knowledge of the first principles of the Law you administer, and the regularity of proceeding, fairness, and judgment you showed in this particular case; but that they also, though the Lieutenant-Governor cannot say this without pain, bear upon your personal character for judicial impartiality.

3. You will understand that this is said in no way as prejudging the case but in fairness to you, as warning you, before you submit your defence, of the very grave aspect which the charges assume in the eyes of the Lieutenant-Governor, and which, as he believes, they certainly will assume in the eyes of all disinterested persons removed from the excitement of the present quarrel.

4. The Lieutenant-Governor desires that in your reply you will particularly state how you reconcile the general spirit of your conduct in this case with the general spirit of the orders issued by him on the passing of the new Law, enjoining on Magistrates the greatest care in getting at the truth, in the truest spirit of equity, where the legal obligation of the Ryot to cultivate on certain terms for the Planter is disputed; or else that you will defend your disregard of the spirit of those orders.

5. In forwarding your explanation the Officiating Commissioner will be desired to submit his own opinion on the subject, together with a complete translation of all the proceedings in the case.

No. 3478.

COPY forwarded to the Officiating Commissioner of Nuddea, with reference to his letter No. 156Ct., dated the 20th instant.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 186Ct., dated the 21st July 1860.)

SIR,

IN obedience to the instructions contained in your letters Nos. 3476 and 3477, to the address of the Magistrate and Joint Magistrate

of Jessore, dated the 30th ultimo, I have the honor to transmit a translation of the proceedings,* and the explanation of Messrs. Molony and Skinner, in the case of Mahbut Mundle and others.

* A to M.

2. With a view of making my own opinion appear as clear as possible in respect to this case, I purpose again entering into a narrative of the proceedings, commenting on the explanations furnished by the Magistrate and Joint Magistrate on each point as it comes up in order of occurrence.

3. The case commenced by a Petition from Mr. Meares, dated 22nd March† describing in general terms how about 250 people were up in arms, that the Police were unable to afford the protection they had been ordered, and praying the parties named in the Petition may be bound down to keep the peace.

† *Vide* Translation A.

4. The orders on this Petition were for the Police to send in the witnesses.

5. Mr. Skinner explains‡ that the statement in this Petition relating to orders on the Police to afford Mr. Meares protection was erroneous, as no such orders were then in existence. He also states "it was argued§ with seeming truth that it would be useless to issue a Subpœna" for the witnesses. His explanation on the first point appears satisfactory, but as regards the second, the arguments not having been recorded, I can pass no opinion on their value. I do not think, however, Mr. Skinner can show any Law authorizing such a proceeding.

‡ See paragraph 6 of his letter.

§ See paragraph 6 of his letter.

6. On the 30th following the witnesses arrived, and with them a Takeedgeer who was not, as first stated by me, one of the witnesses mentioned by name in Mr. Meares' Petition, but who appears to have been brought forward on a Petition‖ from Mr. Meares, as Plaintiff on his part, to depose to an "attempt at attacking the Factory at Kajoorah, beating his Ameen and Takeedgeer, and disallowing them to enter the Village."

‖ *Vide* Translation B.

7. I would beg the Lieutenant-Governor's particular attention to the depositions¶ of these witnesses. These persons were originally sent for as witnesses to the charges in Mr. Meares' Petition of the 22nd March** but they enter into no details on any of the serious accusations therein alluded to and confine their statements entirely to the charge of assault preferred by the Takeedgeer. The

¶ *Vide* Translation D.

** *Vide* paper A.

Takeedgeer is equally silent on all matters regarding his Master, and deposes only to the threatened attack on himself. All the weighty charges referred to in Mr. Meares' Petition, and described by the Magistrate as involving the peace of the District, would appear to have been dropped from that time, and the case confined to an attempt to assault the Takeedgeer above referred to.

8. This Takeedgeer deposes* that he went of his own free will into an assembly of about 200 people, some twenty of whom he mentions by name as abusing him, and attempting to assault him, but not one touched him, while he was able to take his departure with sufficient leisure to appeal to three or four men out of this enormous crowd to be witnesses on his behalf. These individuals, inhabitants of other Villages, gave various accounts† of their accidental presence on the occasion, and actually pretend in that short time to have recognized from seventeen to twenty persons, as the persons who abused and threatened the Prosecutor. No attempt is made to cross-examine them, and their several depositions are given in the most vague and general terms, without assigning any particular action to any one of the Defendants they had named.

* *Vide* Translation C.

† *Vide* Translation D.

9. Mr. Skinner justifies‡ his belief in the above most improbable story, because he had seen the people of Ballikandy Village in a state of excitement only two days subsequent to its alleged occurrence. Mr. Skinner met the Gomashtah of the Factory§ in the Village on that occasion, and I think it somewhat singular that the Gomashtah did not then mention the circumstances of this case to him. Had the assault been really true, it is not likely this opportunity would have been lost of bringing it forward.

‡ *Vide* paragraphs 3 and 4 of his letter.

§ *Vide* paragraph 3 of his letter.

10. After hearing the evidence for the prosecution, Mr. Skinner sent for the Defendants through the Police.||

|| *Vide* paragraph 6 of his letter.

11. Mr. Skinner explains¶ that he was induced to give this order, because the issue of a Summon would have caused procrastination, which in the then state of the District would have been fraught with evil, that the issue of a Summons without bail is generally a farce, and Nazirs'** Peons would make a mess of service of Summons with bail as they generally do of a Warrant. Mr. Skinner is strongly

¶ *Vide* paragraph 6 of his letter.

** *Vide* paragraph 16 of his letter.

supported by Mr. Molony* in the opinion that prompt measures were necessary, and that it would have endangered the general peace of the District to have allowed a case to drag itself through the usual stages of evasion of Summons and afterwards Warrant.

* *Vide* paragraph 9 of Mr. Molony's letter.

12. These reasons are in my opinion unsatisfactory. The Defendants lived hard by, and a Summons could have been served on them almost as quickly as a Warrant. Further, I do not understand what there was in the state of the District, which caused the necessity of a departure from the usual method of proceeding, for it must be remembered that none of Mr. Meares' general charges of large armed bands parading the country with intent to commit pillage and arson had been established, and that the only fact proved before the Court was that a Takeedgeer had received abuse, and been threatened with an assault.

13. Mr. Skinner next alleges† that there was great reason to apprehend the Defendants would abscond, and therefore he ordered them to give security for their attendance. This great reason is not given, and I am unable to trace a foundation for it in the proceedings. On the other hand, considering the number of Defendants; that their homes were also close at hand; that the Police could have followed them up without loss of time; and that the charge against them was after all so trivial, as not to render it worth their while to try to defeat its being brought to a final issue, I should have thought such an attempt very unlikely.

† e *ide* paragraph 16 of his l tter.

14. The defences‡ of the accused were taken at various dates; some asserted that they had complained against Mr. Meares for oppression, others declared they were not in the Village at that time, and cited witnesses to prove it; but no notice was taken of any of these points in the decision, nor were any reasons given, why the evidence in favor of the Defendants was not as good as that brought against them.

‡ *Vide* Translations E, F, G, and K.

15. The sentence passed by Mr. Skinner is justified by him on two grounds,§ *firstly*, that if it was an improper one, the Prisoners would have appealed, which they did not; and *secondly*, that the sentence was an ordinary one in such cases. The first reason cannot be considered sufficient; the men were forty miles from the Appellate Court, and being poor men they might have justly

§ *Vide* paragraph 6 of his letter.

argued that by the time they had incurred the expense of an appeal and the case was ready for hearing, the greater part of the period of their imprisonment would have passed away. The second is a matter of opinion certainly, but I cannot help thinking that under such circumstances, 20 Rupees' fine on a man whose total income did not probably exceed Rupees 6 a month, was a very severe sentence.

16. I now come to the release of the Defendants on the presentation of a Razeenamah* by Mr. Meares. Mr. Molony explains† that the Razeenamah affected those only of the Defendants on whom sentences had not been passed, and not all the Defendants in the case. I am extremely glad that this was so, and regret that I wrote under a misconception when I applied the order of the release to the Defendants generally. A reference to the decision will, however, I think show to the Lieutenant-Governor, how easy it was to fall into such an error. On the 18th a Defendant was brought up and punished, on the day following the case is taken up again, no mention is made whatever of any particular Defendants being present, and the order recorded "release the Defendants." I would also explain that the Warrants showing that those who had been sentenced had really suffered the full term of their imprisonment were not filed with the case when it was first before me.

* *Vide* Translation L.

† *Vide* paragraph 13 of his letter.

17. With regard to the Razeenamah which was presented by Mr. Meares and not the Prosecutor Bhogai Sheikh, Mr. Molony urges‡ that the latter was the Prosecutor on the part of Mr. Meares, and had been the injured party in his capacity of Factory servant, and not as a private individual, and that if he, Mr. Molony, had ojected to Mr. Meares' Razeenamah, one would have been instantly put in on the part of Bhogai. It must be for the Lieutenant-Governor to determine whether the above explanation is sufficient to cover this irregularity. I would only observe that the Razeenamah§ contains no allusion to the Takeedgeer, or the threatened attacks in the previous Petition, it speaks merely of the Ryots as not sowing and giving evil counsel. These were in fact the real causes of Mr. Meares' complaint, but as there was no Law at that time to reach Ryots for not sowing, the Law for Breach of Contract not having then passed, he secured his ends by bringing forward the charges of riotous assembly and assault. That there was no real change in the feeling of the Ryots towards Indigo planting,‖ and that the Ryots

‡ *Vide* paragraph 13 of his letter.

§ *Vide* Translation L.

‖ *Vide* paragraph 13 of Mr. Molony's letter.

were only frightened by these proceedings into a temporary compromise may be fairly assumed from the numerous cases under Act XI. subsequently brought forward by Mr. Meares against other Ryots in his Concern.

18. In conclusion, I beg to observe that Messrs. Molony and Skinner appear to have quite misunderstood the remarks I made in paragraph 13 to your address.

19. I never intended to say that a charge of riotous assembly or assault could be tried under Act XI., but what I did wish to convey was that as those charges were manifestly false, and as the Ryots appeared to be in a dispute with Mr. Meares regarding their Indigo sowings, the Criminal charges should have been dismissed, and Mr. Meares left to prosecute the Ryots under the Breach of Contract Law, which was virtually in force when the evidence of the threatened assault was recorded by Mr. Skinner on 30th April.

20. I should mention that in forwarding his explanation, Mr. Skinner has in a separate letter solicited favorable consideration of the fact that there was no Officer at either the Magoorah or Nurail Sub-Divisions throughout the emergency, and yet the duties of his Office were conducted without any arrears accumulating.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 208, dated the 9th July 1860.)

SIR,

As directed in your letter No. 3476, dated the 30th ultimo, I have the honor to forward my defence of my proceedings in the case of Duloo Joardar and others, which formed the subject of the Officiating Commissioner's letter to your address, No. 156Ct., dated the 20th ultimo.

2. My connection with this case commenced on the 9th of April, on which date Mr. Skinner left my Camp and returned to Jessore, making over his pending cases to me, but as orders were passed by me after that date, it may be expected that I should justify the proceedings from the commencement as having by my orders of the 16th and 18th of April tacitly acquiesced in them.

3. The under-mentioned is a description of the case. On the 22nd of March on a Petition of Mr. Meares presented through his Mooktear, his witnesses were summoned through the Darogah.

4. On the 30th of March, the three witnesses who have been examined were sent in, and a person also appeared to prosecute, presenting a Mooktearnamah from Mr. Meares, and a Petition to have his deposition recorded. After taking the evidence for the prosecution, eighteen Defendants were summoned through the Darogah on 50 Rupees' Security; they came in on the 6th, the 9th and the 16th of April, and were called upon in due course to furnish Security for their attendance, failing which, those who were not sentenced at once were confined in Hajut. They met the charge some of them by a simple denial, some assigned as a reason, that they had petitioned at the Thannah against the Factory, some acknowledged themselves to be under advances, and some denied it.

5. Four men were sentenced by the Joint Magistrate on the 9th to pay a fine of 20 Rupees, or to be imprisoned with labor for three weeks, the labor commutable to a fine of 10 Rupees payable in two days.

6. Five more were punished by me on the 16th and 18th of April, and on the 19th the remaining nine were released on Rajeenamah.

7. The Defendants or some of them did file a Petition, acknowledging their engagements.

8. On the points in this case brought to the Lieutenant-Governor's notice, I beg to make the following remarks in justification of the proceedings.

9. There was no necessity to issue any orders to the Darogah, inquiring whether there was any truth in the allegations of the Petition. Mr. Skinner himself was personally cognizant of the feeling in the Village of Balliakandy, having ridden through all those Villages and witnessed the bearing of the people, only two days after the occurrence is alleged to have taken place. It was also unnecessary to call upon the Darogah to explain why he had failed in his duty on the unsupported statements of a Petitioner. It is to be premised that Mr. Skinner was in the Mofussil and knew how the Darogah was conducting his duties. There also appears to have been no such Perwannah as is mentioned in the Petition then extant. There is nothing in Mr. Meares having been acquainted with what the witnesses he cited would be able to depose to. The witnesses were summoned through the Darogah. The reason of this was as explained by Mr. Skinner that the utmost promptitude was

necessary. The tendency of the charge, if true, was to show that immediate steps were necessary to secure the peace of the District. Under the circumstances I cannot but think that his order was a judicious one.

10. In paragraph 12, the Commissioner says, that, "on the arrival of these witnesses, one, the Takeedgeer, was made prosecutor." The papers refute this statement. The Takeedgeer was the duly constituted Agent for the prosecution empowered in that behalf. It was unnecessary to assign a reason for a thing that was self-evident on the proceedings. The Takeedgeer was not among the witnesses summoned through the Darogah at first and came to depose to facts of which he was himself cognizant.

11. In paragraph 13, Mr. Lushington thinks the case should have been dismissed, leaving Mr. Meares the option of prosecuting under the new Act. Now it appears to me that the case had nothing to do with the new Act; it first originated in a charge more or less general which had resolved itself on investigation into a specific charge affecting in its tendency the general peace of the District. Mr. Lushington says to his mind no offence was proved. I am unable to say on what ground he arrives at this conclusion. The whole tenor of the evidence is corroborated by what was in Mr. Skinner's personal knowledge of the state of the Village in question two days after the offence is charged. It is true the witnesses were not inhabitants of the Village but the inhabitants were leagued against the Plaintiff, and I cannot see that evidence otherwise unexceptionable is of necessity to be rejected because it is not corroborated by evidence that all Mofussil experience will show is not procurable. Moreover I beg respectfully to remark that the right of appeal was open to those Defendants who considered themselves wronged by conviction on insufficient evidence, and that they did not avail themselves of this right. I cannot agree with Mr. Lushington in thinking there could not have been an illegal assembly because the men were setting down and never laid violent hands upon the prosecutor. There was an attempt to seize him and he saved himself by retiring under the abuses of the mob who had gained the object they had in view by intimidation and show of violence.

12. In paragraph 15 Mr. Lushington takes exception to the method adopted for securing the attendance of the Defendants. He states a Summons should have issued but in effect a Summons was of no use at that time. Prompt measures were necessary and it would have endangered

the general peace of the District to have allowed a case to drag itself through the usual stages of evasion of Summons and afterwards Warrant. The forms that are applicable to cases in times of no disquietitude are out of place in emergencies. I am not aware of any illegality in a Warrant being the first process when a breach of the peace is apprehended. The order was in the spirit of paragraph 4 of the Government Orders, dated the 17th of March. The form of Warrant with bail is the same in effect exactly as of Summons with bail. The Defendants were ordered to give bail on arrival at the Camp to secure their attendance during the conduct of the case, and cites his exception of one man who was released on Rajeenamah were equally with the Plaintiff allowed the assistance of the Police to produce their witnesses. Eight of those who did not cite any were disposed of by the Joint Magistrate and myself on the days on which their answers were recorded.

13. In paragraph 16, the Officiating Commissioner says, that the Defendants punished by the Joint Magistrate and myself were released, and in paragraph 17 he states that this order was directly contrary to Law. This appears to be a misconception of the order. It was the Defendants who had not been punished that were released on a Rajeenamah of the Plaintiff. Such a Rajeenamah, I respectfully submit, I was not authorized to refuse. It may be objected that Bhogai should have given it in, but he was the prosecutor on the part of Mr. Meares and had been the injured party, in his capacity of the Factory servant and not as a private individual, and if I had objected to Mr. Meares' Rajeenamah one would have been instantly put in on the part of Bhogai; but in reality I was not averse to accepting a Rajeenamah; on the contrary I wished to punish as few men as possible and to be as lenient as possible consistent with my duty. No public prosecution was necessary, nor would it have been strictly regular. The cause which was likely to prevent a breach of the peace was apparently removed, and a change had come over the feelings of the people. The Warrants appended to the case will show that the sentences were duly carried out.

14. With reference to the 4th paragraph of the Government letter, I trust that the Lieutenant-Governor will see from the above explanation that the spirit of my conduct was not in opposition to that enjoined by him, and that the legal obligation of the Ryots, though incidentally bearing upon the case, was not the point for decision, and that no investigation was made into it.

15. The papers of the case were before Mr. Lushington when he made his report, and I trust I may be excused for saying that I think a somewhat lengthened tenure of office in this District, during which my Judicial impartiality and competency has never been called in question, should have induced him to look very carefully into a case before making a report which has called forth the remarks in paragraph 2 of your letter now under answer.

16. After a perusal of the above explanation, I trust that the Lieutenant-Governor will see fit to absolve me from any blame in this matter.

From C. B. SKINNER, ESQ., Joint Magistrate of Jessore, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 115, dated the 9th July 1860.)

SIR,

As directed in your letter No. 3476, dated the 30th ultimo, I have the honor to forward the following explanations.

2. On 16th March as I was riding through one Village, of which I forget the name, but belonging to Carragolah Concern, then and since less excited than Sindooree, I saw there, as in other Villages, numbers of people grouped together. I called some of them, who came very sulkily, and began to talk to them. All of a sudden, several persons began to exclaim "dohai saheb, dohai saheb, dekho Kooteer Latteal lok grame parreche." I said, I could not see them. They pointed to three men with small sticks standing about 100 yards off among some Villagers. I turned to the Jemadar of Kaloopole who was with me, and told him to bring them. He started off and the Villagers raised a cry of "dharro sala Lokera." The Factory men ran and were pursued by about 100 Villagers yelling and screaming. The shouts were answered from other Villagers from out of which came groups of people. I went on and presently the men were brought to me. I ascertained them to be Factory servants who had followed me and had gone to get a smoke while I was talking.

3. Two Gomashtahs, one of Kejoora and one of Carragolah, who joined me on that morning, were addressed in a manner in Balleakandy Village, which showed that the feelings of the Villagers against them were most threatening.

4. The Villagers of Balleakandy were among the most excited and their vehemence almost frightened me. When, about 11 A. M., I wanted to go away, they caught the old pony on which I was by the reins, and made me go as they wished. Can it then be wondered at that I gave credence to the statements of the Plaintiff Bhogai Sheikh?

5. The date of the demonstration against him is stated to be the 2nd or 3rd Chaitro, corresponding to the 14th or 15th March, at the most two days before I had personal evidence of a state of things such as described by Mr. Meares in his Petition of 22nd March, of which Deponent's statement illustrates an incident. Is it then matter of surprise that I determined that whatever was to be done ought to be done promptly?

6. On 22nd March, Mr. Meares, through his established Mooktear, presented a Petition stating that the Villagers were injuring him by destroying the Indigo prospects both as regards pottah and cottah lands, stopping his rents, &c. He alludes to an order on the Police for his protection. I do not know to what he alludes, unless it were the order of 12th March which had been previously recalled, and regarding which I furnished an explanation in my letter No. 113, of this date. It was argued, and with seeming truth, that it would be useless to issue a Subpœna. I ordered the Darogah to bring the witnesses named in the Petition. On 30th March, Bhogai Sheikh Takeedgeer, duly armed with Power of Attorney, deposed that he had been abused, and only escaped by flight assault in Balleakandy Village, near Kejoora Factory, the Gomashtah of which had sent him to see if the Villagers were cultivating the lands, for which some of them have admitted that they had entered into agreements. Two witnesses from Mohamed Jumma, a Village in that neighbourhood, and one from Shahpore Boalia, an adjacent Village, of which the Proprietor is a Native, confirmed the statement. It would have been impossible for Plaintiff to have procured a witness from the Village Balleakandy, as I think any person acquainted with the Mofussil will admit after a perusal of the above facts. At any rate, the credible deposition of Prosecutor would, (by Section IV., Regulation IX. of 1807,) have been sufficient for the issue of a Summons. A Summons in Form No. 6, Appendix A, Beaufort's Guide, would have only caused procrastination. A Summons with Bail or Warrant (which only differ really in the wording), issued by Nazir's Peons would never have been served or only after great delay. I consequently ordered the Darogah to cause their

attendance taking Security, the only part of the proceeding which was not strictly legal, though I consider it perfectly justifiable under the circumstances. The Defendants appeared and made no valid defence, nor did they question the authenticity of the evidence. Those who wished to adduce witnesses had the aid of the Police to enable them to do so. They were required to give Security for their attendance. It was no hardship to cause the attendance of Defendants at a place about two miles from their houses by the Police, and it is but reasonable to suppose that they might easily have found relatives or friends to stand Security for their appearance and attendance. None of the Defendants who were punished appealed or complained to any one. The man who presented a Petition to the Commissioner was one against whom the charge was dropped. The subject of the objections contained in Sections I. to XV. of your letter No. 156, of 20th June 1860, is purely judicial, and therefore only cognizable by a duly constituted Appellate Court. Mr. Seton-Karr did not vacate the Office of Judge till 30th of April, yet no appeal was made to him. This case, picked to pieces, without any explanation on my part, is sent up to Government as (*vide* Section XIII.,) a proof that I have used the common Criminal Law to enforce the fulfilment of contracts. With all due submission I must protest against the course of procedure as well as the construction put on my conduct. It had no connection with contracts, their fulfilment or Indigo in the Abstract. It was a case of an excited people committing an outrage on an individual who at the time represented the Planter.

7. Having given a general review of the case, I will now consider each paragraph of your letter.

8. *Paragraph* 1.—The case was entirely with me up to 9th April, when I passed my only sentence on any persons connected with the Indigo dispute. The next day I held Cutcherry in Jessore having made over all the cases connected with that part of the District to Mr. Molony.

9. *Paragraph* 2.—A Petition drawn up by a Mooktear in the usual exaggerated style of Bengallee requests, brings in a statement, that, notwithstanding the Police had been ordered to give protection, the Petitioners' client was being ruined by the combination of the Villagers. On the 22nd March no order for such protection was extant. I had rescinded the only order of such a nature on the 19th. It is the custom at the time of presentation to read only the Abstracts of

Petitions, which in this case contains no mention of such an order. I do not think I was aware that the Petition contained such mention until I read the paragraph under consideration. The form the case afterwards assumed was not inconsistent with the nature of the original Petition. The cause of delay in presentation was owing to the fact that no one would appear to complain on behalf of the Factory, when I first arrived at Kaloopole, in consequence of the threats of the combined Villagers.

Many Villagers petitioned for protection.

10. *Paragraph* 3.—It is stated as an error in paragraph 11 that the Darogah was not ordered to enquire into the charge of illegal assembly preferred in the Petition. This is an admission that I was authorized to use the Police. Having already assured myself by personal enquiry that the general statement of the Petition was a tolerably correct description of the state of the country, I contented myself with ordering the witnesses to be sent in, thus avoiding as far as possible any opportunity of Police misrepresentation.

11. *Paragraph* 4.—Mr. Meares was probably not himself present at the commission of the act complained of, therefore his written plaint, presented by an authorised agent, and corroborated by the deposition on oath or solemn declaration of one or more persons present, or otherwise personally informed of the truth of the complaint, was sufficient grounds for receiving the same, and for issuing process against the party accused. The first Petition was presented by Mr. Meares' regularly constituted Agent. On 30th March, a Takeedgeer duly authorized by Power of Attorney appeared, petitioned and deposed to one instance of a meeting of Villagers talking to the effect that, "it is the Queen's order we shall sow no more Indigo," in a Village at the alleged date of occurrence (14th or 15th March,) the most excited in that quarter, situated near Khajoorah Factory, under circumstances which, from personal knowledge, appeared most probable. He also deposed that those Villagers abused him and were on the point of beating him, had he not made a timely escape. He deposes that he was actually driven out and that he called on witnesses to corroborate the expulsion : that he was sent to see if the Villagers were cultivating and had previously been allowed to go without molestation, the combination having only just commenced.

Regulation IX. of 1807, Section IV.

12. *Paragraph* 5.—Two of the witnesses were of a Village situated at no great distance from Balliakandy, who state they have no connection of any sort with the Factory, Mr. Meares or Deponent. The other states he is the Ryot of a native in a neighbouring Village. *Chundee Bearer* states he was returning after depositing a Palanquin at Koolchara and saw Defendants sitting in consultation and saying they "would not sow the Saheb's Indigo any more. We will kill any of the Saheb's Ameens or Takeedgeers who may come to the Village." Plaintiff came up at this juncture, was abused and only escaped being beaten by a retreat as the Villagers were on the point of attacking him. He says he has no Indigo advances or Factory connection, is a Ryot of Moothoora Nath Baboo, and a Palkee Bearer.

13. *Faratoollah Sheik*, Husbandman, says he was coming from his son-in-law's house in Nuffurkandy to his home at Mahomed Jumma when, arriving at Balliakandy (which would lie in the Road and is close to Nuffurkandy), he saw Defendants with other Villagers consulting and saying "we will sow no more Indigo and will punish any one who does. If the Factory Ameens or Takeedgeers come to the Village, we will beat and kill them," as they were thus talking, Plaintiff arrived. The Villagers abused him and were on the point of beating him, when he retreated calling me to witness.

14. *Holladhur Ghose*, Husbandman, deposes that he was going to Damoorhooda from Mohamed Jumma (Balliakandy is intermediate,) when he saw Defendants with other Villagers sitting in consultation and saying, "we will sow Saheb's Indigo no more. We will beat any of the Saheb's Ameens or Khalasees, who may come to the Village," they asked witness "how Indigo sowing was going on in his quarter" to which witness replied,—"In my part, the people are not enraged like you or averse to Indigo. We are willing to sow." Just then Plaintiff came up, when Defendants abused and were ready to beat him, when he went away making him (Holodhur) a witness.

15. As stated above, I consider it would have been impossible to obtain a witness from Balliakandy Village to speak in behalf of Plaintiff, for the inhabitants were all in a confederacy. There is nothing inconsistent in the evidence as given and unrefuted. None of them appear to have been in any way connected with the Prosecutor, and it is in accordance with native character that, seeing a number of persons, with many of whom they were acquainted, in earnest

conversation, they should stop to listen. Mohamed Jumma Village was in the common confederacy at the time of the occurrence, and it is very probable that they were members of the meeting who had afterwards come round. Such evidence, corroborated by my own knowledge, appears to me trustworthy, and as such it was incumbent on me to issue process against the accused.

16. *Paragraph* 6.—It was perfectly legal to require Security for the appearance of Defendants as well as for their remaining in attendance. The issue of Summons without bail is generally a farce. Nazir's peons would make a mess of service of Summons with bail as they generally do of a Warrant. The Defendants' houses were close to Soobdee, where Mr. Molony and I had encamped on 24th March. It therefore appeared most desirable to bring them in at once, and I ordered them to be brought, giving them the option of Security. I thought there was *great* reason to apprehend that the Defendants would abscond and ordered them to give Security for their attendance. (under Section VIII., Regulation IX. of 1807). Eight Defendants came in on the 6th and the Darogah was ordered to produce within two days the witnesses named by them for their defence. The four sentenced by me on the 9th only came in that day and never went to Hajut.

Clause 3, Section VI., Regulation IX. of 1807. Beaufort's Guide, No. 6, Appendix A.

17. *Paragraph* 7.—It is unnecessary for me to go into the replies of those Defendants who were not sentenced by me. Ishwar Doss, Goopinath, Buddun, Ram Roodra, all of Manikdee* the Village in which our Camp (generally denominated Soobdee,) actually was, appeared and said they did not know why they had been accused as they held advances, had cultivated their lands and were willing to sow. I would draw special attention to these replies, as they show that I did not make use of my judicial powers or of the Police in the matter of a contract, but simply punished them for a misdemeanor, although consenting to all that the Factory required of them, and that their replies tend to show that the complaint was not preferred with that object, or for any other reason than to procure punishment for what I consider a Criminal offence. It will be seen that I asked this question of the Defendants and with the motive of ascertaining if there were any plot to use the case for coercion, as well as whether Plaintiff was justified in going to the Village. No attempt

* A small fordable River divides it from Balliakandy.

was made to refute the evidence or to throw doubts on its authenticity. All four were implicated, by the Plaintiff, Goopeenath, by two and the other three by all the witnesses.

18. *Paragraph* 8.—I do not consider that a fine of twenty Rupees is a heavy fine. It is a common penalty in petty cases. The alternative, if within fifteen days, might have been construed into an attempt to bar the right of appeal. I am glad therefore that it was three weeks.

19. *Paragraph* 9.—I had nothing to do with this part of the proceedings.

20. *Paragraph* 10.—Requires no remarks.

21. *Paragraph* 11.—Has been answered already. I would merely remark that most people would ascertain his acquaintance with the facts before citing a man as a witness.

22. *Paragraph* 12.—The Takeedgeer was not a *witness* named in the first Petition and was not sent in by the Darogah. He presented a Petition as a duly authorised agent, requesting that his statement might be taken on oath. The course I adopted was in strict accordance with Law and general Procedure.

23. *Paragraphs* 13 *and* 14.—I consider that a Criminal offence under Section VIII., Regulation IX. of 1793 is fully proved on the evidence, and no valid defence is set up. The Law considers the intention of the accused and that is fully established by the statements that Plaintiff only escaped violent treatment by absconding as well as by the conversation of the Villagers. I cannot comprehend the latter part of paragraph 13. The case had no connection whatever with breach of contract. The charge deposed to is one properly cognizable under the general Law and not cognizable under Act XI. of 1860. The offence is said to have been committed on 14th or 15th March, and the Petition was presented on 22nd March, before the discussion of the new Law in Calcutta more than 100 miles from our Camp. The evidence was recorded and process issued on 30th March. Act XI. of 1860 has three provisions, *first*, for breach of contract; *secondly* for preventing those under contracts by threats, &c., from fulfilling them; *thirdly* for destruction of Indigo Crop. The present case does not come under any of these provisions. The fact that mention is made of other matters in the original Petition does not affect that portion of the charge which alone was Criminal and which alone was considered by me. Separate cases under Act XI. of 1860 might have been brought; that was optional with Mr. Meares. If Prosecutor had not gone to the

Village, the Planter would not have known who was fulfilling his contract and who not. I consider the offence criminal according to general Law as well as the spirit of paragraph 4, letter, Secretary Government of Bengal, No. 983 of 17th March 1860.

24. I have now only to offer a few remarks on the general charges, and on Mr. Secretary Young's letter No. 3476, of 30th June. The accusation appears to be that I have perverted the Law to compel Ryots to fulfil contracts. Now, I would remark that such a construction cannot be put on any of my proceedings. The only order, and for that I have given good authority, which is at all in favor of the Planter in any matter connected with the general dispute, is that of 12th March which I rescinded as explained in my letter No. 113, of this date. The case of Bhogai Sheik is in no way connected with any question of contracts, and I trust that I have shown this satisfactorily, and that my proceedings were lawful, reasonable, and just. I do not perceive in what way it can prejudice my character for judicial impartiality; for, with my whole heart I believe that I acted impartially and with the most honest intentions of doing my duty to the Government as well as between man and man.

25. The charges are grave, but I humbly argue that they are not merited. In the case in question, the legal obligation of the Ryot to cultivate Indigo is not raised, and consequently I cannot have disregarded any instructions on the subject. In my letter No. 199, of 30th ultimo, which I request may be considered with this explanation, I have shown that I have not disregarded those instructions wherever the legal obligation has been submitted to my judgment.

26. I request the favor of a copy of the remarks you may make in submitting this to Government, as well as of the translation of the papers of the case. One translation will suffice for Mr. Molony and myself.

Petition of Mr. G. Meares, of Sindooree Factory, Pergunnah Sahaoojeean,—(dated 8th Chytro 1266 B. S.)

The Petitioner represents that the Ryots of several Villages within the Jurisdiction of the Khajoorah and other Factories subordinate to that at Sindooree, numbering from 2 to 3,000, had combined and assembled to do injury to the cultivation which has been made and which remains to be made on the Pattaie, Khattaie and Nizabad lands, to

disallow his Tehsildar, Ameen, Takeedgeer and other servants coming into the Villages so that they may not collect rents, to seize and beat them and to make an attempt at plundering, and setting fire to the Factory; that on his petitioning the Magistrate on the subject the Darogah and the Ballagustee Burkundauzes were deputed into the Mofussil to check those outrages. That notwithstanding this, and in spite of the Magistrate's orders, the Ryots are gradually assembling and doing injury to him. The Ryots of the Villages within the Jurisdiction of Khajoorah Factory, *viz.*, Bhogeruth Mundul, Akhoy Mundul, Ramjoy Mundul, Baddul Dass, Ramsoonder Dass, Goopeenauth Dass, Isserchunder Dass, and Ramjoy Dass of Manickdee, Rukman Mundul, Aununtoram Mundul, Aunund Dass, Dhonai Mundul, and Soomer Mundul of Harrobaradee, Mahtab Mundul, Taher Mundul, and Sooltan Biswas of Sathgurree, Dowah Mullick Mundul, Khoeruddy Sheikh, Madaree Joardar, Dulloo Joardar, Jungoolee Mullick, Golamally Burkutoollah Joardar, Domun Sirdar, Solaet Meer, Denoo Sirdar, Kodum Mundul, and Kasheenath Poorah of Noornuggur and from 200 to 250 others have assembled with Latties, Sheilds, Surkees, &c., and joining with the assemblage of other Villages are committing various outrages with an intent to plunder and set fire to the Khajoorah Factory, to assault the servants and the Assistant Saheb, to stop the cultivation of Pattaie and Nizabad Indigo lands which have been partly cultivated, to shirk sowing Indigo when the rain set in, to prevent the collection of rent from Talooks, Izarahs and other Estates. That under these circumstances it is very likely that they will some time or other attack and plunder the Factory or set fire to it. That these people are hovering about the Factory day and night and giving out what is stated above; so that injury will be done to Indigo sowing, and his Factory as well as the others within its Concern will suffer great loss, and that should the Magistrate afford no protection the Petitioner will be ruined under their oppression. He prays that the above named persons be summoned and bound down in securities so that they may not commit the outrages mentioned above.

Petition of Mr. G. Meares, of Sindooree Factory, Pergunnah Sahaoojeean,—(dated 18th Chytro 1266 B. S.)

The Petitioner states that he has appointed his servant Bhogai Takeedgeer of Haydhurpore as his Mooktear to depose on oath for him

in the suit brought by him in the Magistrate's Court against Dulloo Joardar of Balliakandy and Bhajon Biswas of Noornuggur and others for an attempt at attacking his Factory at Khajoorah and beating his Ameen and Takeedgeer and for disallowing them to enter the Villages, &c. He prays that the case be tried after the deposition of that Mooktear has been taken on oath on his behalf.

BHOGAI SHEIKH, Prosecutor on behalf of Mr. G. MEARES, of Sindooree Factory, declares on oath on the 30th March 1860.

I AM in the service of Mr. G. Meares of Sindooree as Takeedgeer of the Khajoorah Factory. On the 2nd or 3rd of Chytro, at about 10 A. M., I went to Balliakandy in order to see the Indigo land and to tell the Ryots to cultivate Indigo, and saw on my arrival Dulloo Joardar, Domon Sirdar, Khoiruddeen, Sheikh Golamee Maleetah, Salamut Meer, and Kasheenath Mistree of that Village; Sooltan Biswas, Mahtab Mundul, and Taher Mundul of Sathgoree; Bhajon Biswas, Dowah Mullick, Baddul Sheikh, and Mirzan Mundul of Noornugger, Dhonai Mollah, Rukman Mundul, Misseree Biswas, Aununtoram Dass of Harrobaradee, Isser Dass, Goopeenath Dass, Buddun Dass, and Ramrooddoo Dass of Manickdee and about 100 to 150 others sitting at the door of the cow-fold of Dulloo Joardar. They were saying that they would no more cultivate Indigo on account of the Saheb as an order has been issued by Her Majesty the Queen. At that time I appeared there and was abused indecently. They further addressed me thus—"Wait *Shala*, we shall presently cultivate well," and then came to beat me. On this I made Furrootoollah Sheikh, Hullodhur Ghose, Chundeechurn Kahar and others my witness and reported the occurrence to my Master.

Question on the 31st March.—Have not they cultivated Indigo since that time?

Answer.—No, they no more cultivate Indigo.

Question.—Are the lands of those Villages cultivated by Nizchas or advances made for that purpose?

Answer.—They are not Nizchas lands; advances were made for them.

Question put by Prosecutor's Mooktear.—Were there any one of Noornuggur?

Answer.—Bhajon Biswas, Dowah Mullick, Mirzan Mundul and Budderuddy were there.

Question.—Could you then enter the Village.

Answer.—The dispute only commenced at that time.

We now and then used to go there.

Question.—Under whose order did you go there?

Answer.—Under the order of Tarun Chuckerbutty, the Gomashtah of the Factory, who sent me to enquire whether the Ryots would cultivate Indigo or not.

CHUNDEE BEHARA, deposes on oath on the 30th March 1860.

I KNOW the Prosecutor Bhogai Takeedgeer of Mr. G. Meares, and the Defendants Dulloo Joardar and others. I have no concern with them. At about 8½ A. M. of the 2nd or 3rd of Chytro, I saw on my arrival at home from Koolchara where I had left a Palkee that Dulloo Joardar, Kasheenath Missree, Badul Sirdar, Domon Sirdar, Khoiruddy Sheikh, Golamee Malecta, Salamut Meer of Balliakandy, Sooltan Biswas, Mahtab Mundul, Taher Mundul of Sathgooree, Bhajon Biswas. Dowah Mullick, Baddul Sheikh, Mirzan Mundul of Noornuggur, Aununtoram Dass, Annundo Dass, Missree Mundul of Harrobaradee, Ramjoy Mundul Dass, Isser Dass, Goopeenath Dass, Buddun Dass, Ramroodro Dass of Manickdee, and 300 to 350 others were sitting at the door of Dulloo Joardar's cow fold and holding a consultation. They were saying that they would no more sow Indigo and that if the Ameen and the Takeedgeer of the Saheb enter the Village they would beat them to death. Whilst they were uttering these words the Prosecutor came there on which they abused him and attempted to assault him. The Prosecutor then went away making us his witnesses.

31*st March* 1860.

Question.—Are you the Saheb's man?

Answer.—No.

Question.—Have you taken any advance?

Answer.—No, I am a Bearer and carry Palkee.

Question.—Whose Ryot are you?

Answer.—I am a Ryot of Mothoor Baboo. I have no concern with the Saheb.

FURRAOTULLAH SHEIKH, deposes on oath on the 30th March 1860.

I KNOW the Prosecutor Bhogai Takeedgeer of Mr. G. Meares, and the Defendants Dulloo Joardar and others. I have no concern with them. At about 7 or 8 A. M. of the 3rd or 4th of Chytro, I went to

my son-in-law Momrage's house at Nuffurkandy and thence to Balliakandy where I saw Dulloo Joardar, Kasseenath Misser, Domun Joardar, Khoiruddy Sheikh, Jolamee Malhetah of Balliakandy, Lokeman Mundul, Dhonae Mollah, Aununtoram Dass, Missree Biswas of Harrobaradee, Dowah Mullick, Mirzan Mundul, Baddoollah Mundul, Bhajon Biswas of Noornuggur, Mahtab Mundul, Sooltan Biswas, Taher Mahomed Mundul of Sathgurree, Buddun Dass, Ramroodro Dass, Aunund Dass, Isser Dass, Ramjoy Dass of Manickdee, and 300 to 350 others sitting together at the door of Dulloo Joardar's cow fold and holding a consultation. They were saying that they would no more sow Indigo that whoever will sow Indigo will be punished by them, and that if the Ameen and the Takeedgeer of the Factory come into the Village they would beat them, wound them and kill them. Whilst they were saying these words, the Prosecutor appeared there on which they abused him and attempted to assault him. The Prosecutor then made us witnesses and went away.

HULLODHUR GHOSE, deposes on oath on the 30th March 1860.

I KNOW the Prosecutor Bhogai, Takeedgeer of Mr. G. Mcares, and the Defendants Dulloo Joardar and others. I have no concern with them. At about 9 A. M. of the 2nd or 3rd of Chytro last, as I was going to Damoorhooda I saw at Balliakandy that Dulloo Joardar, Kashcenath Missree, Golamee Malita, Deloo Sirdar, Buktar Joardar, Madaree Mundul, Baool Sirdar of Balliakandy, Taher Mahomed Sheikh, Sooltan Biswas, Mahtabdee Mundul of Sathgoree, Budderuddy Sheikh, Mirzan Mundul, Bhajon Biswas, Dowah Mullick of Noornuggur, Missree Biswas, Aununtoram Mundul, Nukhoo Mundul, Dhonee Mollah, Annund Dass of Hurrobaradee, Bhogeeruth Mundul, Isser Dass, Ramjoy Dass, Goopeenauth Dass, Buddun Dass, Ramrooddro Dass of Manickdee, and 300 to 350 others were sitting at the door of Dulloo Joardar's cow fold and holding a consultation. They were saying that they would no more cultivate Indigo for the Saheb, and that if the Ameen and the Takeedgeer of the Saheb come into the Village they will beat them. They asked me what has been done in our quarter regarding the sowing of Indigo, and I in reply said that the disaffection which prevails here against the cultivation of Indigo has not extended to our quarter. We are all willing to cultivate Indigo.

At this moment the Prosecutor made his appearance there on which they abused him and attempted to assault him. The Prosecutor then went away making us his witnesses.

Question.—Have not they cultivated Indigo since that time?

Answer.—No.

ORDERED.—On the 31st March 1860, that the witnesses be dismissed, that the Defendants Dulloo Joardar, Domun, Khoiruddy, Golamee, Kascenath, Sooltan, Mahtabdee, Taher, Bhajon, and Dowah Mullick Budderuddeen, Mirzan, Missree Mundul, Annuntoram, Isser, Gopeenath, Buddun, Ramroodro, be sent for through the Darogah, who should take a bail of Rupees 50 from each of them and send them to the Court.

DULLOO JOARDAR'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?

Answer.—I have not committed the crime. The charge is got up, owing to our having lodged a complaint at the Thannah against the oppression practised upon us by Mr. G. Meares. Seetul Joardar, Golam Joardar, Bhogai Joardar of Balliakandy will bear me out that I have not committed the crime. I am willing to sow Indigo on the land which I have previously cultivated with Indigo.

Question.—Are you willing to sow Indigo this year?

Answer.—Yes.

DOMON SIRDAR'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo brought

Answer.—I have not committed the crime. The charge is got up owing to our having complained at

against you by Bhogai Sheikh on behalf of Mr. G. Meares?

the Thannah that the Saheb forces us to sow Indigo. I am willing to sow Indigo for the Saheb. There was no assemblage of people. Mirzan of Balliakandy knows it.

KASHEENATH MISSREE'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?

Answer.—I have not committed the crime. The charge is got up against me owing to my having petitioned at the Thannah that Mr. G. Meares coerces me to cultivate Indigo. I have no witness to prove my innocence.

Question.—Have your entered into contract to sow Indigo.?

Answer.—Yes. I have entered into a contract. I am willing to sow Indigo.

GOLAM MALITTAH'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo, brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?

Answer.—I have not committed the crime. I am at a loss to know why the Saheb has brought the charge against us. Moteeoollah Mullick, Jindar Mundul, Oomed Joardar of Balliakandy will bear out that I have not committed the crime. If all others sow Indigo, I will do the same.

Question.—Have you got a *Khattah*?

Answer.—I have a *Khattah* for three and half beegahs of land on which I am willing to sow Indigo.

KHOIRUDDEEN'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo, brought against you by Bhogae

Answer.—I have not committed the crime, nor do I know why the charge has been preferred against me.

Sheikh on behalf of Mr. G. Meares?

I cultivate Indigo for the Saheb and will do so this year; but I never get money for it. There was no assemblage as will be proved by Moiddeen Meer, Kanaee Shaha, Bhogai Shaha of Balliakandy.

Question.—What quantity of land does your *Khattah* show?

Answer.—My *Khattah* shows one and half beegah of land, which I am willing to cultivate with Indigo.

BHAJON BISWAS' defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo, brought against you by Bhogai Sheikh on the part of Mr. G. Meares?

Answer.—I have not committed the crime, nor have I any dispute with the Saheb. I am at a loss to know why the charge has been preferred against me. I have taken no advance this year for Indigo. If all others cultivate Indigo, I will do the same.

Bhootah Chowkeedar of my Village is witness of my innocence.

Question.—Have you got a *Khattah*?

Answer.—Yes, I have. As every one expresses a wish not to sow Indigo this year, a stop has been put to its cultivation.

MIRZAN MUNDUL'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo, brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?

Answer.—I have not committed the crime, nor do I know why the charge has been preferred. There has been been a dispute between myself and the Saheb owing to my failure to sow Indigo. If my fellow Villagers cultivate Indigo I will do the same also. My witness Bhooto Bagdee, of Noornuggur,

and Chokoo Biswas of Thakoorpooker will bear out my statement that I have not committed the crime. If the Government issue orders, I will sow Indigo.

Question.—Have you made a *Khattah* of your old account?

Answer.—We have not closed our accounts, nor haye we taken any advance this year. We cultivate Indigo in consequence of the advance formerly made.

MAHTABDEE'S defence, dated the 6th April 1860.

Question.—What have you to say to the charge of illegal assemblage for not sowing Indigo, brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?

Answer.—I have not committed the crime, nor do I know why the charge has been brought against me. I have no dispute with the Saheb. I have been sowing Indigo since a long time, but I have not taken advance this year. I cannot say whether I will sow Indigo or not. I am employed in constructing Roads and from Poos to Choytro I have been employed on the Changdaga Road so I have no concern with the assemblage, as will be proved by Chokoo Biswas and Darass Joardar of Thakoorpooker. Borkut Sheik of Peerugekhally, is also my witness.

Question.—Have you got a *Khattah*?

Answer.—I have a *Khattah* for five beegahs of land on which I am willing to sow Indigo.

ORDERED.—On the 6th April, that a bail of Rupees 50 be taken from each of the above named Defendants and the witnesses named by them be produced by them within two days.

GOOPEENAUTH DASS' defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joardar of Balliakandy for not sowing Indigo, and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer—I have not committed the crime, nor do I know anything about it. I have a *Khattah* for two beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land and am willing to sow Indigo on it in time. I am at a loss to know why the charge has been preferred against me. I have no witness.

BUDDUN DASS' defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joardar, of Balliakandy, for not sowing Indigo, and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer.—I have not committed the crime nor do I know anything about it. I have a *Khattah* for two beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land and am willing to sow Indigo on it in time. I am at a loss to know why the charge has been preferred against me. I have no witness.

RAMROODRO DASS' defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joarder of Balliakandy, for not sowing Indigo, and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer.—I have not committed the crime nor do I know any thing about it. I have a *Khattah* for four and half beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land and am willing to sow Indigo on it in time. I have no witness.

ISSER DASS' defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joardar of Balliakandy, for not sowing Indigo and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer—I have not committed the crime nor do I know anything about it. I have a *Khattah* for two beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land and am willing to sow Indigo on it in time. I have no witness.

MISSREE MUNDUL'S defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joardar of Balliakandy, for not sowing Indigo, and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer—I have not committed the crime nor do I know any thing about it. I have a *Khattah* for two beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land; but if others do not cultivate Indigo I also will not cultivate it. Fukeer Chand Chowkeedar, Bahadoor Mundul, and Seetul Sheik of my Village are my witnesses that I have not committed the crime.

AUNUNT RAM DASS' defence, dated the 9th April 1860.

Question.—What have you to say to the charge of illegal assemblage in the house of Dulloo Joardar of Balliakandy, for not sowing Indigo, and for giving evil counsel on the subject, which has been brought against you by Bhogai Sheikh on behalf of Mr. Meares?

Answer.—I have not committed the crime nor do I know any thing about it. I have a *Khattah* for two beegahs of land within the jurisdiction of Mr. Meares' Factory at Khajoorah. I have cultivated the land; but if others cultivate Indigo I will do the same; otherwise I shall not be able to cultivate it by any means. That I have not committed the crime will be proved by

my witnesses, Tincowree Kahar, Isser Dass, and Fukeer Chunder Chowkeedar of my Village.

ORDERED, on the 9th April 1860, that a bail of Rupees 50 be taken from Aununtotram and Missree Mundul and that a Subpœna be issued to the witnesses named by them.

MIRZAN SHEIKH, deposes on oath, 13th April 1860.

Question.—What do you know of Domon's innocence and have you any concern with him?

Answer.—I have no concern with Domun Sheikh and know nothing of his innocence. On the 10th or 11th Chaytro he and I thatched a a house the whole day. He did not join the assembly.

MOIZUDDY MEER, deposes on oath, 13th April 1860.

Question.—What do you know of Defendant Khoiruddy's innocence?

Answer.—I know Defendant Khoiruddy. I have no concern with him. On the 15th or 16th of Falgoon, when the Ryots went to the Kaloopole Thannah, I and the Defendant thatched a house the whole day.

Question on the 14th April 1860.—Have you taken advance for Indigo?

Answer.—No, I am a servant of a Zemindar.

Question.—Do the Defendants hold advance?

Answer.—Yes, they do.

KANAE SHAH, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know Defendant Khoiruddy. I have no concern with him. The Defendant never joined any assembly nor did he ever prevent any one from sowing Indigo. I am aware of this as my house is close to that of the Defendant. On the 12th

or 13th of Chytro I and the Defendant thatched a house the whole day.

BHOOTOE CHOWKEEDAR, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know the Defendant Bhajon Biswas. I have no concern with him. The Defendant never joined any assembly. He is employed as a Gomashtah of the *Golah-barry* at Hazrah Haut belonging to Maher Joardar of Choongy Dangah. He always remains at the former place and scarcely comes home. The day on which the assemblage is alleged to have been formed, he was at Hazrah Haut and not at home. I know this because I inhabit the same Village with him.

Question.—What do you know of Defendant Mirzan Mundul's innocence?

Answer.—The Defendant never joined the assembly. I know this, because we are the inhabitants of the same Village.

CHUCKOO BISWAS, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know Defendants Mahtabdee and Mirzan. I have no concern with them. I did not see the Defendants join the assembly, nor did I hear that they have given any evil counsel regarding Indigo sowing. From Pous to Chytro, Mahtabdee used to go to the Rail-road in the morning for the purpose of serving as a Sirdar and to return home at 12 o'clock.

Question on the 14*th April* 1860.—Have you got an Indigo *Khattah?*

Answer.—Yes. I have one.

Question.—Have the Defendants any?

Answer.—Yes, they have also one each.

SEETUL JOARDAR, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know Defendant Dulloo Joardar. I have no concern with him. The Defendant never joined the assembly. I know this because he and I inhabit the same Village.

Question on the 14*th April* 1860.—Do you or the Defendants hold any advance?

Answer.—Yes. We do.

GOLAMEE JOARDAR, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know Defendant Dulloo Joardar. I have no concern with him. No assemblage was formed in our Village. I never saw it. Had it been formed I would have heard of it. I know that the Defendant never joined any assembly because his house and mine are in the same Village.

JENDAR MUNDUL, deposes on oath, 13th April 1860.

Question.—What do you know of Dulloo* Joardar's innocence?

Answer.—I know the Defendant Dulloo Joardar. I have no concern with him. The Defendant never joined any assemblage nor did any other of our Village. I know this as my house and that of the Defendant are in the same Village. I do not know why the charge has been brought against him.

* This is Golam Malitta's witness and not Dulloo's as erroneously recorded here.

OOMED JOARDAR, deposes on oath, 13th April 1860.

Question.—What do you know of the Defendants' innocence?

Answer.—I know Dulloo† Joardar, and have no concern with him. The Defendant never joined the assembly. I saw none of our Village to assemble. I know this as the Defendant and I work together and live in the same Village. I do not know why the charge has been brought against him.

† The same error has been committed here also.

TAHER MAHOMED MUNDUL'S defence, dated the 16th April 1860.

Question.—What have you to say to the charge of illegal assemblage at Balliakandy for not sowing Indigo, brought against you by Bhogai Takeedgeer on behalf of Mr. G. Meares?

Answer.—I have not committed the crime, nor do I know any thing of it. I do not know also why the charge has been brought against me. From 2nd to 6th Chytro I was employed at home with Jameer Ghoramee and Godae Sheikh in thatching my house. They as well as Ameer Chowkeedar, who knows this, will bear out what I say.

Question.—What quantity of land does your *Khattah* show?

Answer.—I hear that there is a *Khattah* which shows five beegahs of land in my name, but I did not receive any *Khattah*.

I do not wish that the deposition of my witnesses should be taken.

BUDDERUDDY MUNDUL'S defence, dated the 16th April 1860.

Question.—What have you to say to the charge of illegal assemblage at Balliakandy for not sowing Indigo, brought against you

Answer.—I have not committed the crime, nor do I know any thing of it. I had a *Khattah* for five beegahs of land within the juris-

by Bhogai Takeedgeer on behalf of Mr. G. Meares?

diction of Mr. G. Meares' Factory at Toltollah, but I am not willing to sow Indigo in consequence of the oppression on the part of that *Saheb*. It will be proved by my witnesses Kabil Sheikh and Mokim Sheikh, of Thakoorpore, that I have not committed the crime, and that on the 2nd Chytro I sold them Paddy at my house.

Question.—Did you take advance last year?

Answer.—Last year I sowed five beegahs of land.

I do not wish that the deposition of my witnesses should be taken.

Dowah Mullick's defence, dated the 16th April 1860.

Question.—What have you to say to the charge of illegal assemblage at Balliakandy for not sowing Indigo, which has been brought against you by Bhogai Takeedgeer on behalf of Mr. Meares?

Answer.—I have not committed the crime. I was bad with my hand during the months of Maugh and Falgoon. After that I was *chullaned* to Jessore. I did not join the assembly nor do I know why the charge has been preferred against me. Adum Mundul, Bhootoe Chowkeedar and Poally Mundul, of Noornuggur, will bear out my statement.

Question.—Do you hold any advance for Indigo, and what quantity of land did you sow last year upon advance?

Answer.—I have an old advance. I sowed six beegahs of land last year. I do not wish that the deposition of my witnesses should be taken.

Sooltan Biswas' defence, dated the 16th April 1860.

Question.—What have you to say to the charge of illegal assem-

Answer—I have not committed the crime. I am unwilling to sow

blage brought against you by Bhogai Sheikh?

Indigo in consequence of oppression on the part of Mr. G. Meares, but I have a *khattah* for five beegahs of land in the jurisdiction of the Khajoorah Factory. That I have not committed the crime, and that on the 3rd Chytro 1 went to Noornuggur to purchase chillies and returned home the next evening, will be proved by Modhoo Sheikh and Habeèjoollah Sheikh, inhabitants of my Village.

Question.—Do you hold any advance. If you do, did you sow Indigo last year?

Answer.—I have heard of advance having been taken by my father and grandfather. I sowed Indigo on five beegahs of land last year.

I do not wish that my witnesses should be called upon to depose.

Petition of Mr. G. Meares, Manager of Sindooree Factory, Pergunnah Sahaoojean,—(dated 8th Bysack 1267 B. S.)

The Petitioner states that he lodged a complaint in the Magistrate's Court against Mahtab Mundul of Sathgurree and others for not sowing Indigo and for giving evil counsel. In this case some of the Defendants have been punished, with the others he has compromised and presents this Petition as a Deed of Compromise, praying that it be filed with the Nuthee and the case disposed of accordingly.

Ordered, that the Razeenamah be granted and the Defendant released.

Petition of Mirzan Sheikh of Noornuggur, Pergunnah Sahaoojean, to the Magistrate of Jessore,—(dated 8th Bysack 1267 B. S.)

The Petitioner states that he ever since cultivates Indigo upon advance from Mr. G. Meares' Factory at Toltollah, that he has taken an advance this year also, marked out the land and cultivated it; that he

will without any objection sow Indigo when the rains set in; that the people of this quarter having held an evil consultation not to sow Indigo, assembled and made a Petition; and that now he will no more join the assemblage. He prays that such an order be issued as will prevent the people who have formed the assemblage from exercising any oppression upon him for having cultivated Indigo.

ORDERED, that the Darogah should keep an eye over the Petitioner that no one commits any outrage or oppression upon him.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 293, dated the 14th August 1860.)

SIR,

IN my letter No. 209, to the address of the Commissioner of Circuit, dated the 9th ultimo, which forwarded my explanation in the case of Dulloo Joardar and others, I requested Mr. Lushington to furnish me with a copy of his remarks, in order that I might be enabled to supply any further explanation on points which he might consider unsatisfactorily or imperfectly explained. Owing to my absence in the Mofussil, the copy was not received by me until the 9th instant.

2. I find that Mr. Skinner has sent in a supplementary explanation on some of the points alluded to by the Commissioner, and at this late period I wish to write as shortly as I possibly can.

3. With reference to the 12th paragraph, I most respectfully submit, that the state of the District had become sufficiently alarming to render it advisable to quarter a portion of the Lahore Light Horse and two parties of Military Police, as well as to send European Constables from Calcutta. In this case the fact was proved that servants of the Factory were not permitted to enter a Village in prosecution of their Master's business.

4. With reference to paragraph 17, I wish to point out, *first*, that it was not irregular to accept a Razeenamah from Mr. Meares, who was the Prosecutor through his servant, though the record would perhaps have been more complete if Bhogai had also given one; *secondly*, that it is not necessary to refer to a charge in a Petition of compromise further than to identify the case, nor is it necessary that the reasons or grounds of

compromise should be recorded in it or in any other proceeding, though there is no objection to their being stated, and in some cases it is desirable, as in the present instance, showing that the cause of quarrel is removed. It must be admitted that the non-sowing of Indigo was the primary cause of all cases at that time between Planter and Ryots, and this cause of dispute was, as stated in my explanation, apparently removed.

5. With reference to 14th paragraph I beg to point out that out of the nine men punished one only produced witnesses, and that he only produced one.

6. With reference to the 6th, 7th and 8th paragraphs, I trust the Lieutenant-Governor will observe, that Mr. Meares prayed that his case might be taken up after recording the deposition of the Takeedgeer (Bhogai); that he deposed to what he was personally cognizant of; that his deposition formed the charge which was brought under investigation; and that the specific charge is what I alluded to in my explanation as affecting in its tendency the general peace of the District; also that the witnesses were at the place of the occurrence before the Plaintiff, and that they live in neighbouring Villages and therefore had no difficulty in identifying the Defendants, and that the depositions do not show that the Plaintiff put himself into a position from which, as is argued by the Commissioner, he could not extricate himself.

7. With reference to the latter paragraph of Mr. Lushington's letter, I hope the Lieutenant-Governor will pardon my saying that I am unable to see why the passing of the New Act (XI. of 1860,) or the fact of the Ryots being in dispute with Mr. Meares about their sowings should be a ground for dismissal of the case. If there had been no dispute there could not have been such a case. If the charge had been considered false, it must have been dismissed whether there was a dispute or not, or whether the Contract Law had been passed or not. The date of the dismissal of the witnesses by Mr. Skinner was the 30th of March and not the 30th April.

From C. B. SKINNER, ESQ., Joint Magistrate of Jessore, to the Secretary to the Government of Bengal,—(No. 288, dated the 6th August 1860.)

SIR,

I HAVE the honor to apologize for forwarding direct to your Office the following remarks on letter No. 180, from Officiating Commis-

sioner of Nuddea Division, dated 21st July to your address, as I only yesterday afternoon (5th August,) received a copy, and it is necessary that my remarks should arrive as soon as possible.

2. I do not wish to enter again on differences of opinion. With reference to paragraph 5 of the Commissioner's letter quoted above, I would however request a reference to paragraph 12 of my letter to Commissioner, No. 215 of 30th July, and Clause 1, Section II., Regulation L. of 1803. By a Subpœna I mean issue of a Subpœna through Nazir's Peons. The Witnesses were sent in, according to the legal process, by the Police.

3. With reference to paragraph 8, I would remark that it is no where shown that the Takeedgeer was "in the assembly." He states he "appeared there," which may from the context mean anywhere within speaking distance. This little difference might cause a very different view to be taken of the probabilities of escape.

4. Again, I would humbly submit that "Mr. Skinner met the Gomashtah of the Factory in the Village" is incorrect. I met the Gomashtah at Puddo Beela Bazar, about two miles from Balliakandy, whither I proceeded by his direction. I cannot at this remote date remember whether he mentioned the specific attack on the Takeedgeer; but the explanation was not called for till three and half months after my visit. It is hardly fair to assume that he did not bring it to my notice.

5. With reference to paragraph 16 of my explanation, I must have forgotten that Summons with bail has been cancelled by the Sudder Nizamut and no longer exists, Summons and Warrant being the only forms of Process. In cases of riot Warrant through Police may be first, Process IX. of 1807.

6. The Officiating Commissioner in paragraph 12 admits, that it was "proved before the Court" that a Takeedgeer had received abuse and been threatened with assault; but omits to take into consideration a state of the country admitted in paragraph 8 of his letter No. 44 of 7th June, to Secretary to the Government of Bengal. On this omission are chiefly based the arguments adduced in paragraphs 12 and 13.

7. I hardly think that the remarks in paragraph 15 upset my arguments. An appeal to the Sessions Judge forty miles distant before expiry of sentence or conviction of all the Defendants, would surely offer greater temptations than appeal to the Commissioner after the conclu-

sion of the case and expiry of sentence. Further, they were imprisoned in the Jail *at Jessore.*

8. Not having the Bengallee Record to refer to, I cannot go through the translation thoroughly. I would remark, however, that the Order of 6th April (paper F,) was that the witnesses named by them be called *by the Police* to appear in two days. Likewise the Order of 9th April for attendance of witnesses was carried into effect through the Police of Damoorhooda.

9. It does not appear that my letter No. 199, of 30th June, to Officiating Commissioner has been forwarded, as requested in the last paragraph, but one of my explanation.

10. Mr. Molony being absent on duty cannot now supply any comment. I would however remark, that the argument contained in the latter part of paragraph 17 of the number of cases brought by Mr. Meares under Act XI. of 1860, against *other* Ryots can hardly be held to prove, that the compromise made by the parties to Bhogai Sheikh's case was temporary. The same might be said of many a compromise entered into by accused persons for the purpose of avoiding the penalty of the Law. It is simply a proof that this particular sentence did not affect the opinions of the community or influence generally the inclination of the Ryots to relinquish the cultivation of Indigo.

From W. S. SETON-KARR, ESQ., Officiating Secretary to the Government of Bengal, to E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 5241, dated the 29th September 1860.)

SIR,

I AM directed by the Lieutenant-Governor to acknowledge the receipt of your letter No 186, dated the 21st of July last, submitting the explanations forwarded by Messrs. Molony and Skinner in the case of Mahbut Mundle and others, in Jessore, which letter has been considered together with two communications, dated 6th and 14th of August, received respectively from Mr. Skinner and Mr. Molony, in vindication of their conduct. In reply, I am to communicate the following remarks and observations on the subject:—

2. It now appears that you were mistaken in saying, when first reporting this case, that on Mr. Meares representing that the Defendants had agreed to sow Indigo for him, the Magistrate, Mr. Molony,

released from prison such Defendants as had been already convicted and sentenced. This correction relieves the case of its worst feature, as originally represented, and materially improves its general aspect; but the Lieutenant-Governor is sorry to be obliged to say, after an attentive consideration of all that has been urged by Mr. Molony and Mr. Skinner, that enough still remains unquestioned to make it impossible for him to pronounce that these Magisterial proceedings are otherwise than unsatisfactory.

3. An Indigo Planter sent Mr. Skinner a Petition representing a state of things most alarming to the public peace, but when his agent and his witnesses arrived, the whole story was abandoned, and the case resolved itself upon the evidence into a trifling charge of abusive and threatening language used towards one of the Planter's servants personally, by a number of Villagers, such language having been used towards the servants when, according to his own story, he had intruded into the company of the Villagers whilst they were discussing amongst themselves whether they should sow Indigo or not. The servant who had been sent as the Planter's agent was thereupon himself constituted Prosecutor. Upon this petty charge, eighteen men were ordered to be apprehended and sent in by the Darogah, who made their appearances variously on the 6th, 9th and 16th of April, and of whom some were kept in close confinement, pending trial, for several days, the others being from time to time convicted and sentenced to 20 Rupees' fine or three weeks' imprisonment with labor, commutable to a fine of 10 Rupees each. At the end of thirteen days, the Villagers gave in and consented to sow on the Planter's terms; whereupon the Planter, who was not the nominal Prosecutor in the actual case, and who, so far as the actual evidence went, had no ground of prosecution supposing him to have been the Prosecutor, represented to the Magistrate that, as some of the Villagers had been punished, and he had compromised with the others, he, the Planter, was satisfied. On this the Magistrate released the remaining unconvicted Prisoners.

4. The plain fact is, that in consequence of the Villagers refusing to sow for the Planter, a large number of them, as named by him, were apprehended on a trumpery charge, and kept in close confinement by the Magistrate, till they agreed to the Planter's terms; when half of them were let free, the other half having been meanwhile fined, and sentenced to imprisonment from time to time.

5. It is, and was from the first, patent, that the whole case was nothing but a device, by means of a harassing charge, to compel Ryots to sow Indigo against their will, irrespectively of all questions of legal obligation to do so. Mr. Molony admits freely and candidly in his letter of the 14th ultimo, that the not sowing of Indigo was the primary cause of all cases at that time between Planter and Ryots, and that in the present instance, this cause had been apparently removed when the Planter's second Petition was received. The very objectionable feature in the proceedings is, not that the Magistrate was thus played upon; nor even that he allowed himself to be thus played upon; but that he actually strained, and even violated the Law, in aid of what was an illegitimate, and, in respect to such of the Prisoners as were under no obligation to sow, an unjust object.

6. When the petty character of the charge, as shown by the complainant's witnesses, became apparent to Mr. Skinner, his obvious duty was, if he thought a *primâ facie* case made out to *summon* the Defendants; and, on their appearance, to dispose of the charge as fast as possible; meanwhile binding them to appear under their own recognizances. His knowledge of the unavowed object of the real mover should have made him especially careful to avoid all needless harassment of the Defendants. But instead of that, he unwarrantably ordered their apprehension on the 31st of March, through the Darogah, who was directed to take bail from them, and send them in to the Court, and in default of bail, (which they had no means of finding,) he kept them as close Prisoners during trial; all which, as you represent, was illegal, and the oppressiveness of all which, even if it had not been illegal, considering what the charge was, and what the known object of making it was, is undeniable.

7. Mr. Molony pleads, in justification of the whole proceeding, that "prompt measures were necessary, and it would have endangered the general peace of the District to have allowed a case to drag itself through the usual stages of evasion of Summons, and afterwards Warrant;" and he says that "forms that are applicable to cases in times of no disquietude are out of place in emergencies." But the conduct of this case cannot be justified on this plea. The same case cannot be treated at one time as an important political case of a public character involving the peace of the District; and at another time as a private charge of the pettiest offence known to the Law. If the charge was considered as

a charge of political importance; and if severity to the Defendants was thought necessary for the preservation of the peace, it was not a private but a public case. Mr. Molony, in this view, would have been inexcusable for allowing the charge to drop, even if he had done so at the request of the nominal complainant; and still more so for allowing it to drop because a person, not being the Prosecutor actually in Court, represented that the Villagers in question had come to an agreement with him in a commercial affair.

8. The Lieutenant-Governor must also observe that Mr. Skinner, who commenced the case and took the evidence in it, did not treat it as a public prosecution, involving the peace of the District. The offence charged, as entered by Mr. Skinner, was "abusive language and attempted assault." The first question which Mr. Skinner put to every one of the Defendants, when brought before him a Prisoner *on this charge*, was as follows:—"What have you to say to the charge of illegal assemblage, *for not sowing Indigo*, brought against you by Bhogai Sheikh on behalf of Mr. G. Meares?" After this Prisoners are asked such questions as "are you willing to sow Indigo this year?" or "have you entered into contract to sow Indigo?" "Have you got a *Khattah*?" But no questions bearing on the peace of the District were put. It is clear that Mr. Skinner treated the case with no thought of the public tranquillity; and, it must be added, with no thought of the nominal charge, or nominal complainant; but with a very clear view from the first of the real object of the nominal complainant's Master in moving in the case.

9. It is comparatively a trifling flaw in this case that the complainant's witnesses were confronted with the Defendants, or subjected to any sort of cross-examination by any body.

10. This case throws a strong light upon the habitual action of the Magisterial Courts in the Indigo Districts, in connexion with what the Indigo Commission have now pronounced to be the compulsory character of the system of Indigo Planting heretofore in force.

11. For the disagreeable features in this case, Mr. Skinner is mainly responsible; and the Lieutenant-Governor must hold that Officer's proceedings in it to be blameworthy. Mr. Molony had but a small part in the affair, as he came in when the chief part of the proceedings had been taken, and half the convicted Defendants had been punished; and when the character of the case had been already stamped, the Lieutenant-

Governor thinks it probable that Mr. Molony continued in the line adopted by his predecessor without reflection. If his release of the remaining Prisoners was not founded upon a good technical ground, still, as the poor people ought to have been released two weeks before, and indeed as they ought on such a charge never to have been put into confinement, the act was in itself but an act of justice. Mr. Molony has the best possible right to plead, as he does, his general high character as a Magistrate; and though his involvement in these proceedings must be regretted, the Lieutenant-Governor willingly bears testimony to this excellent Officer's eminent merits as an upright public servant; and as one of the most intelligent, active and successful Magistrates under this Government.

From E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division, to the Secretary to the Government of Bengal,—(No. 211Ct., dated the 8th August 1860.)

SIR,

I HAVE the honor to submit, for the consideration and orders of the Lieutenant-Governor, the explanation called for from Messrs. Molony and Skinner in your letter No. 3216, dated 15th June last.

2. Accompanying their explanations are translations of the Petitions and orders in each case, so that the Lieutenant-Governor will have the best means of weighing in each instance, the arguments these Officers have adduced in support of the proceedings now under notice.

3. In a few places, I have appended some remarks opposite to particular passages in the explanations submitted by these gentlemen, but I have not thought it necessary to enter into any great details, for in the first place the Lieutenant-Governor has desired none, and in the second, nothing appears to have been brought forward either by Mr. Molony or Mr. Skinner which has shaken the general opinion I ventured to record on their proceedings in my letter No. 44, dated 7th June last.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 209, dated the 8th July 1860.)

SIR,

I HAVE the honor to acknowledge the receipt of your letter No. 101Ct, dated the 23rd ultimo, giv-

Commissioner's Remarks.

ing cover to your Report No. 44, dated the 7th of June, and to Government Order No. 3216, dated the 16th idem. There are three orders of mine which I am called upon to explain, *viz.*, those of the 2nd and 10th of March and 9th of April.

2. The first* of these was issued after a careful investigation in the Mofussil by myself in person. I had been encamped in the Village of Sheergram for upwards of three days, and my proceedings there have been approved by the Sessions Judge in Appeal. They were also reported to your Office on the 3rd of March in my letter No. 77. I have now discovered for the first time that no answer was sent to that letter which arrived the day after I left for Thannah Kaloopole, and which I have never seen until today (July 7th,) and as directed in which I forward a copy of my order. You will observe that no separate Perwannah was sent to the Darogah. The Ryots denied any connection with the Factory though they had sown more than three-fourths of their lands in October and the documents and books had been examined by me, from which I was satisfied of the existence of the pottah lands of the Factory. The second† order regarding Churn Naraindee was of pre-

* Translation A.

† Translation B.

Mr. Grote remarked that he doubted "whether your directions to the Darogah as described in your last paragraph will be found compatible with the warning conveyed to you in paragraph 3 of Government Order, dated 14th instant. I should like to see copy of your Perwannah to the Darogah in question."

A copy of the Petition was sent with an order on the back of it. This was the same thing.

The Ryots do not appear to have had the opportunity of expressing any opinion on those documents. The terms specified in the pottahs may have expired,

cisely the same nature to protect sowings on *pottai* lands and to keep the peace, and I am under the impression that there was no illegality in the order and that it was perfectly equitable. The combination in this Village was part of the Sheergram one and formed part of my investigation.

if so, the Planter had clearly no right to the lands.

3. My Order of the 9th of April was upon the Petition* of a Native Indigo Planter and merely gave him the protection to which I considered him entitled in the circumstances in which he was placed.

* Translation D.

This cannot be admitted as any vindication of his proceedings. The Planter had only to say that the lands pointed out by him were his Nizabad, and the Darogah was bound, under these orders, to permit him to do with them what he pleased.

4. The Lieutenant-Governor has called upon me to explain the view under which I considered myself justified by Law and natural equity and good conscience in following a line of proceedings which seems to warrant the description given of it in paragraph 6 of your letter. If my explanation of the Perwannahs issued in the individual cases mentioned in the Statement is satisfactory, the groundwork of your assumption that they are evidence of a system is unsound. You would seem to have presumed that the orders were issued without any general knowledge of the circumstances of the case to which they related. In the two former instances especial care was taken to arrive at the merits of the question before coming to a decision and passing any orders and there was no-

My previous remarks will, I think, show that this was not the case.

thing illegal in them. In the third case as in the two former, the Darogah was directed to protect rights* which were stated to be invaded.

5. The objection to which all orders of this nature are open, and that on which you have based your view is, that by securing the support of the Darogah, a Planter could sow what lands he wished, but is the fact of there being a possibility of such a result sufficient to justify the refusal of support to which a man is entitled and thereby to leave him only two courses, one to take the Law into his own hands and the other to sit down quietly and submit to be the victim of a conspiracy. It is not difficult to imagine which course he would pursue or to foresee its consequences. On the other hand, although the Police may be corrupt and it is possible that an unprincipled man might sow more than he is entitled to, I do not consider it fair to presume that such a use would be made of it and to withhold support. Forgery† must be resorted to to carry it out to be afterwards supported by perjury. In the event of a Planter sowing more than he was entitled to as his *pottai* lands, the issue on the complaint of the Ryot would be made the subject of Judicial investigation under Act IV. of 1840. This investigation is not always possible in the first instance, though it often takes place then and is open to the

* In these cases as in others Mr. Molony appears to assume that the rights were always on the side of the Planter and not of the Ryot. Until these rights had been established, it was clearly improper to protect them simply because they were stated to be invaded.

This is entirely begging the question.

† Unfortunately there is good reason for knowing that resort has been made to both these expedients.

objections that a breach of the peace may occur before the case is decided and that the time may pass by for sowing Indigo with advantage. The object of Police being in the Mofussil is to prevent a breach of the peace and to bring to justice those who disturb it. In the exercise of the former functions it is absolutely necessary that they should be empowered to uphold the just claims of parties, leaving those aggrieved to seek redress by course of Law.

These rights must be determined by *primâ facie* evidence and by circumstances which can always be ascertained upon the spot and in this they act upon their own responsibility. It is only thus that peace can be preserved. If the Police are merely to stand by, it is physically impossible that they can preserve the peace.

6. The above explanation of my views, and the circumstances under which the Perwannahs were issued, will, I hope, satisfy the Lieutenant-Governor that they do not merit the appellation of " partial" which has been applied to them by you. They are taken as evidences of a system and are called " disclosures" of that system by means of which, as the latter part of your 8th paragraph would imply, the Ryots of the District generally have been coerced into sowing against their will. I hope to be able to show that

In these instances, the evidence, if any, was all on one side. The Planter produced his documents, and the matter was ever given in his favor. Such a course was not only contrary to all equity, but directly opposed to Section XI. Act IV. of 1840, when the possession of lands is in dispute.

these Perwannahs have had nothing to do with the general question at issue in the North-West of the District, and that they were not intended to have any effect on the general question. In the first place the order of the 2nd of March was issued before I was aware that the excitement in Nuddea had spread into the North-West corner of the District. This was also the case with the Orders of the 10th of March. The Factory to which they applied was situated on the extreme East of the District and though the Lieutenant-Governor's order to the Magistrate of Barraset was quoted in some of the Petitions, I maintain that any thing I did there could not have had any effect in the North-West, more especially as it was immediately after the passing of these orders that the excitement showed that it was spreading into the District from Nuddea. If they could have had any effect then on the general feelings of the people, it would have been to repress the spread of open dissatisfaction into the District at all. The third Perwannah, which had reference to an obscure Native Factory, could not have had an effect on the general question, and goes far to disprove any show of partiality to Planters by proving that the comparatively powerless Bengallee received the same protection the European was considered entitled to.

This is no justification, if the order in *itself* was an improper one, as I think it was.

7. The Statement forwarded with your letter to the Government conveys the impression that all the orders passed with reference to Indigo since the 1st of February were of an objectionable nature, with the exception of the four general ones which you state were "perfectly correct and proper." It is therefore necessary to explain that your Statement contains only eleven out of sixteen.

These are now given, see Translations Nos. H, I, J, K and L. Three partake more or less of the same character. By charging the people with assembling, with intent to make a breach of the peace, the presence of the Police was obtained, and the very fact of their coming there appears to have been sufficient to frighten the Ryots into sowing without further demur.

8. There is one order of a general nature which was included in the Statement, and appears to have escaped your notice. It is of the same tenor as the ones that you have called correct and proper. All the Perwannahs then that had reference to the general question* are approved, and informed the Ryots of the views of the Government and of what was expected of them, yet the orders passed upon cases not connected with the general disturbance,† and which could have had no effect upon it, are evidenced as a reason why the aversion to the cultivation of Indigo was not shown to an equal extent in Jessore as in Nuddea, and only on the border, where the Kishnaghur Perwannahs informed the Ryot of his true position; surely it is hardly fair to suppose that the general orders had no effect in this way, and with all due respect and without myself wishing to renew a comparison which has been made by you,

* This simply relates to the publication of the Government Notification.

† It was from particular cases in which action was taken in their presence, or neighbourhood, that the Ryots formed their opinion how the new Act would be enforced towards them individually.

and which otherwise I should have never thought of alluding to, I beg to state that from the general reports of the operation of Act XI. of 1860 in the Kishnaghur District, I am not prepared to admit that the Ryots were actually aware of their true position, however much pains was taken to inform them of it.

9. The real reason why the combination did not show itself to an equal extent in Jessore as in Nuddea was, because, in the usual course in which such things spread through* the country, the disinclination to sow Indigo did not reach the Jessore District* *till March*, and it then appeared in a form which threatened the peace of the District with an inclination to intimidate by show of force and by violence. In the meantime the sowings were going on to Eastward, and the measures taken to preserve the peace and the passing of the new Law determined the wavering to sow for this season, and the spread of the discontent was checked. The people were no doubt influenced in their decisions to the above effect by the consideration that the time of year for repudiation of contracts had been allowed to slip away. The reason to which I ascribe the holding out of Villages on the borders, is the intimidation to which they were subjected from the neighbouring Ryots and the fact of their having

* I consider this to be a mistake, and in support of this assertion, I beg to file the Translation (G) of an order passed by Mr. Skinner in a dispute regarding the sowings in Mr. Storm's Factory, dated 23rd November 1859.

When this order was brought to the notice of Mr. Grote, he expressed his opinion in letter No. 27Ct., dated 8th February last, of its exceeding impropriety.

committed themselves to a course from which they could hardly withdraw. That intimidation was practised there can be no doubt, and protection from it has been claimed by many Ryots who have petitioned.

10. It is necessary to correct an error into which your Report has led the Lieutenant-Governor. It was Mr. Skinner who, by his order, dated the 19th of March, withdrew that passed by him on the 12th idem.

11. The Extract from the *Field* does not, I think, require any further comment.

12. I shall be obliged by your sending me a copy of the remarks with which you forward this explanation to Government. The matter is one of vital importance to me, and I should like to have the opportunity of clearing up any thing which you may consider not fully explained.

From C. B. SKINNER, ESQ., Joint Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 113, dated the 9th July 1860.)

SIR,

Commissioner's Remarks.

IN reply to your Memorandum No. 101Ct., dated the 23rd ultimo, I have the honor to forward the following explanations for transmission to the Government, and trust they will establish the fairness of my acts. I would, how-

ever, call attention to my letter No. 199, dated the 30th instant, to your address, regarding cases under Act XI. of 1860, and to the fact that I have only decided one case under the general Laws connected with the general combination, *viz.*, the case of Bhogai Biswas *versus* Dulloo Joardar, and if the Defendants considered themselves injured they had the right of appeal to the Sessions Judge. I cannot comprehend why Mr. Meares should be selected as the special object of my favor. Up to 16th March, when hearing of my arrival at Kaloopole, he came over to visit me. I had not seen him since June 1857, when accident threw me in his way. I know him less than any Planter in Jessore almost.

2. On 12th March, I passed the order referred to in paragraph 4 of Commissioner's letter No. 44, of 7th June. It was extended to Carragodah as well as Sindooree because I thought that some prompt measures must be taken to preserve order. It was not passed on the Petition of an individual, but numbers of Petitions came in which were *primâ facie* false. No rain had fallen, sowings in that part of the District would not have been commenced with the first shower, and the Police Reports all tended to show that the excitement of the Ryots was assuming a threatening attitude which required a check.

Sowing was not attempted till late in April.

3. When Mr. Halliday, then Lieutenant-Governor of Bengal, visited Magoorah Sub-Division, I asked his opinion as to the line of conduct to be pursued, when a number of Ryots combined against the Planter. His reply was, that a Planter should be supported in sowing *goodashta* lands, *i. e.* lands which he had been in the habit of sowing year by year. Messrs. Commissioners Grote and Reid, Mr. Seton-Karr, Judge of Jessore, and Mr. Molony, Magistrate, have held that a man should be supported by the Police in sowing his *pottai** lands. I was well acquainted with all that was going on and had only returned on the morning of 12th March from Jenidah, having been occupied in adjusting disputes in Mr. Tweedie's Concerns, Paarbatty and Hazrapore, of which more below. At 5 A. M. of 16th, I reached Kaloopole. The rest few days were occupied in talking to the Ryots, going about their Villages, reasoning with them and telling them I should be glad to listen to any definite charges. A number of Petitions were presented in consequence and the Ryots told to bring their proofs. In these Petitions no dates are given and no witnesses are named, although I had explained to them that I wanted facts, and

Mr. Skinner means *guzashta*.

* I am of the same opinion also, but it is first necessary to be fully satisfied that the lands are really such, and not to take it for granted they are, because an interested party says so.

they must state the particulars. They were mostly complaints of general oppression by Factory servants and against the excessive cultivation required in those parts and were all on plain paper. On 19th March, I looked over the orders I had passed, recalled the order of the 12th, and directed the Police in no way to interfere except to stop a disturbance. Mr. Molony was not acquainted with this order till a long time after. At that time he was some fifty miles away in the East of the District. The other orders apply to specific cases not connected with the great movement.

I am unable to explain how I made the mistake of attributing the Orders of the 19th to Mr. Molony, possibly I may have misunderstood the Native Officer when reading the papers, or it may have originated through his inadvertence, in reading out the wrong name.

4. First, the Order* of 20th April was in a dispute between Mr. Durand and Baboo Roy Rutton Roy, whose Factories are adjacent, regarding a line boundary which had been defined under Act IV., 1840, and certain lands given in possession to Mr. Durand. I have been acquainted with this dispute for nearly five years, and I ordered that Mr. Durand should be supported in sowing his *pottai goodashta* lands, *i. e.*, lands held by him in pottah (a document giving a person temporary or permanent tenure of a definite parcel of land or according to Marshman "a lease for land,") and which had been sown by him year after year. Indigo lands are easily distinguishable from Paddy

* Translation C.

Mr. Skinner had a perfect right in forbidding the interference, under these circumstances, of Ram Rutton Roy within his boundary, but he was not justified, I think, in issuing the general orders to the Police to prevent any interference to the Planter from sowing. Who was to judge whether the terms of the agreement or the pottah on which the lands were held for Indigo had or had not expired, and that they

lands and the term *goodashta* was a saving clause to protect the latter. In the Commissioner's letter it is translated as if the order were *pottai-o-goodashta,* which would mean not only pottah lands, but also those which had been sown for the Factory in past years. Indigo lands consist of *pottai* and *cottai,* the former being those held by the Planter by virtue of a pottah; the latter, those sown under agreement with the Ryots, also termed *dadonee* lands, with the sowing of which my Police have no orders to interfere. No question of *legal obligation* under Act XI. of 1860 has been submitted to Police enquiry.

were virtually the property of the Ryots to do what they liked with? Mr. Skinner appears to me to have placed this power entirely in the hands of the Police, subject to the Planter's discretion.

The Order* of 17th April, related to a dispute long existing between Mr. Storm of Nakeenda on the Modoomutty and Raus Monee Dasya, whose Naib, Chunder Monee, was accused of exciting the Ryots of a Village called Barodia, where all had been previously quiet. Such conduct was most likely to provoke a breach of the peace. I consequently ordered the Darogah to inquire into the matter, &c. In the meantime it was adjusted among the parties. In this, as in the Orders of 20th April, my orders were simply such as are usually passed for the prevention of disturbances apprehended. The first Order of 20th April was on a

* Translation E.

This was a clearly illegal order. To give bad advice (*kumuntrona* is the expression used,) is not contrary to any Law.

This Petition was presented to the Darogah, and not to the

Petition, in which a number of Ryots were stated to have combined and collected Lattials to interfere with Mr. Brai in sowing lands decreed under Act IV. of 1840, which, from previous cases, I knew to be probable; this being an old dispute. A Perwannah was issued that, if there be an assembly to prevent Mr. Brai sowing his decreed lands, proof should be sent in. The Planter was told to petition under Act XI. of 1860, regarding the legal obligation. The request for the assistance of the Police in sowing was refused.

Joint Magistrate. The Joint Magistrate never appears to have seen the party presenting the Petition.

The remaining orders are on Petitions, two containing charges of illegal assembly on which the above order was passed, and three of giving evil counsel. As I have before stated, I had been in the locality and had effected an arrangement with some of the Ryots that they should sow only half the quantity of lands originally agreed upon. They admitted the agreements, but said that a *Lushkar* and others from Nuldangah, from the Zemindar of which Mr. Oatts holds the Villages in Ijara, had taken Ekrars from them that they would not sow or go near the Factory. When I left they appeared to be quite satisfied. When rain came, however, Tarun Chuckerbutty, Mr. Oatts' (Mr. James Tweedie's Manager's) Teshildar and others again stirred them up. Under

Muniruddin Sheikh and others.

Translation F.

these circumstances, I ordered an enquiry under Section V. (I know my verbal order mentioned Section* V.* There has been an error in writing,) Act XI. of 1860, which I consider a Criminal provision, to ascertain if there were grounds for prosecution. The Perwannahs were returned, the sowings being finished before they were acted on. I believe Mr. Oatts contrived to sow by bringing over some local Gomashtahs, &c. I have since ascertained that a Naib of Judoo Bhoosun Ded Rae, Zemindar of Nuldanga, caused the Ekrars to be taken from the Ryots, and that he has been discharged for doing so.

I trust I have shown that I have acted on good information and knowledge of facts and not unjustly. Burkundauzes have been deputed to several Villages in Jenidah Thannah and some Ryots complained of the conduct of one or two. The Jenidah Darogah and they were immediately called to account; but they stoutly denied interference in behalf of any one; and the Ryots have never brought evidence to the contrary, though directed to do so. One Burkundauz has been discharged for endeavouring to bring some persons to the Thannah under a false assertion that they were required to listen to orders about Indigo; and the acting Naib Darogah who sent him

* This is clearly wrong. There is nothing in Section V. authorizing the interference of the Police. The Joint Magistrate should have held the enquiry himself.

† I have found him out and sent for him.

has been summoned but not yet found.†

In this District, as in Kishnaghur, great pains have been taken to let the Ryot know his true position, which, I think, is best shown by the fewness of cases under Act XI., and the unusual emptiness of our Jail; but at the same time measures have been taken to prevent persons, other than Ryots and having no interest in the matter, from exciting all Ryots, whether under legal obligation or not, to rise *en masse;* and this conduct has raised up many enemies among such persons as, "hiding from justice," have no occupation but to write scurrilous articles in the *Hindoo Patriot* and *Field*, perverting facts and throwing a false light on the acts of Public Officers. I think the difference of the results in Jessore and Kishnaghur may be traced to the following causes:—

Firstly.—The difference of the system in Jessore, which does not exact the same amount of labor and cultivation for the production of Indigo, and under which the Ryots are in consequence more content.

Secondly.—The Ryots in Kishnaghur had clever leaders who kept the Ryots passive, when Jessore Ryots could not restrain their excitement.

Thirdly.—The promulgation of Act XI. of 1860, before the excite-

meth has spread far, and the resolution of many to sow this year and not to enter into engagements for the future.

From C. B. SKINNER, ESQ., Joint Magistrate of Jessore, to the Commissioner of the Nuddea Division,—(No. 272, dated the 30th July 1860.)

SIR,

IN continuation of my explanation No. 213, of 9th instant, forwarded in reply to your Memorandum No. 101Ct., dated 23rd ultimo, with enclosure, I have the honor to furnish the following :—

1*st*. Having omitted to state my reasons for going off so suddenly to Kaloopole, I beg to remark that it was in consequence of an official letter from the Manager of Carragodah Concern to the effect that, the people of Balliakandy and other Sindooree Villages were forcing his Ryots to join their combination.

2*nd*. With reference to my remark regarding the Perwannahs of 28th April being passed under Section V., Act XI. of 1860, and in order to show that I did not countenance Police interference for enforcement of contracts, I beg to annex copy of letter No. 26, of 25th April, to Mr. Oatts, and to state that I issued a Perwannah on 9th May to the Jenidah Daroga expressly prohibiting any interference between the Planter and Ryot, as I had some doubts of the course he was adopting. I would further solicit the favor of a speedy termination being put to my suspense regarding the explanations, more than a month having elapsed.

3*rd*. In paragraph 14 of your letter No. 156, of 20th May, to Government, you state that a Summons should have been issued. But illegal assembly is not one of the cases in which Summons is ordered by Regulation IX. of 1807. Section VI. only says that the Summons issued by a Magistrate in a bailable offence which does not require the immediate apprehension of the accused, &c., is to be served through Nazir's Peons. Section III., Regulation IX. of 1807 allows Warrants in bailable cases to be issued through *any Officers*, whether Police Officers or others. As in the case of Bhogai Sheikh, I maintain that the charge of illegal or riotous assembly is preferred, and established throughout, the issue of Warrant through the Police was perfectly legal, as was every other proceeding in the case.

From C. B. SKINNER, Esq , Joint Magistrate of Jessore, to H. OATTS, Esq. Hazrapore,—(No. 26, dated the 25th April 1860.)

SIR,

I HAVE the honor to inform you that, on your letter, dated instant, and Petition of today, I have ordered an investigation. It is a case which would come under Section V. of the Act of 1st April for enforcing Indigo contracts. If you have any complaint of breach of contract, I would remind you, that a deponent is necessary as pointed out by the Law, of which I would suggest an attentive perusal. The assistance of the Police cannot be given for sowing *Khattah* lands. Their duty on such occasions is to preserve the peace without favor to either party.

From C. B SKINNER, Esq., Joint Magistrate of Jessore, to the Officiating Commissioner of the Nuddea Division,—(No. 276, dated the 31st July 1860.)

SIR,

IN the absence of the Magistrate, I have the honor to forward the papers (which have this day arrived,) called for in your letter No. 139Ct., dated the 21st instant.

The Perwannah of 24th May referred to by some of the Police Reports was one of the general Perwannahs which have been approved of. The Perwannah issued on Petition of Munneruddee Sheikh I would remark that, of the two persons named in the Darogah's Report, Tarun Chuckerbutty is a Tehseeldar or Zemindaree servant of Mr. Oatts; Raj Indro shaha is a small Indigo Planter

---

Petition of Mr. A. MCARTHUR, of Meergunge, to the Magistrate of Jessore,—(dated 20th Falgoon, 1266 B S)

THE Petitioner states that he has all along been in possession of the Indigo crops of the Talook, Putnee, Mourassee, Pattaee Khattaee lands he has in Sheergram, Dhobaparrah and others. That in this year he has in due time sown the lands which are suitable for cultivation in the month of Kartick and that he has also cultivated the other lands in due course for the purpose of sowing Indigo. That as he bears enmity with Baboo Gooroo Doss Roy, his servants at Boalmarry Cutcherry are causing him great loss in different ways by giving bad advice to the Ryots of those Villages and inducing them to combine against Indigo cultivation. That they are expressing a wish that after

you leave this place they will create a riot with the Factory servants who will on the fall of rain go to sow the lands with Indigo. That it is probable that loss of life and wounding of the people will ensue. Under these circumstances, the Petitioner produces the documents he has with him relating to the lands and prays that a Perwannah be issued to the Darogah with an order that he will see that no riot takes place when the Factory people proceed to sow and protect Indigo after the fall of rain.

Question.—What quantity of land have you yet to sow in each of the Villages. Are those lands Khattaee or Pattaee ?

Answer.—In Sheergram there are nineteen and half beegahs ; in Dhobaparrah, ten beegahs ; in Paneegattee, twenty beegahs of Pattaee land ; in Chapuldangah, within the jurisdiction of Bejoynuggur, sixty beegahs of Pattaee and twenty beegahs of Khattaee lands, aggregating eighty beegahs; in Goordeah, twenty-five beegahs of Pattaee land ; and in Dareehurree Hurnuggur, ninety-two beegahs of Pattaee and eight beegahs of Khattaee lands, aggregating 100 beegahs. Besides these there are twenty beegahs Pattaee and ten beegahs of undisputed Khattaee lands in the Northern high land of Goordeah. It was afterwards said that there are eleven beegahs of Pattaee land in the Eastern high land of Sheergram and that Chapuldangah and Jelliadangah are one and the same Village.

Order of the Magistrate, dated 2nd March 1860.

THAT a copy of this Petition be sent to the Darogah, who, in the event of the Saheb's showing the documents of these lands, will take care that no opposition be offered to the sowing of Indigo thereon, and that no affray takes place. That the Darogah will also see that no affray occurs at the time of sowing the Khattaee lands which have been sown in previous years.

Report of the Jemadar of Thannah Mahomedpore, dated 20th March 1860, to the Magistrate, through the Darogah.

THAT under your orders, he, Yasseen and Golzarr Khan and other Burkundauzes were deputed into the Mofussil to prevent the affray which was likely to occur between the Ryots of Sheergram and Dhobaparrah and Mr. MacArthur of Meergunge, with reference to Indigo sowing. That when the lands which were claimed by the Factory, and other than the Khattaee and Pattaee lands which had been sown, were about to be sown, the Ryots began to cry out *dohye,* but owing to his exertions no breach of the peace took place.

That the Factory people sowed all the remaining lands claimed by them leaving about two or two and half beegahs of land in Dhobaparrah unsown as it was overgrown with Cucumber. As these two beegahs of lands, and other Indigo lands in Goordeah and Chapuldangah within the jurisdiction of Bejoynuggur and in Paneegattee, were left unsown owing to the lands having dried up and as they cannot be sown until the rain falls again, he returned to the Thannah but left Afarzuddeen there to prevent any breach of peace should any such thing occur and to report frequently the state of affairs there.

Darogah's report to the Magistrate, dated 21st March 1860.

THAT on the perusal of the Jemadar's report it appears that his statement with reference to the lands claimed by Mr. McArthur having been sown, with the exception of the two or two and half beegahs of lands in Dhobaparrah which is overgrown with *Kheera* and the lands in Chapuldangah, &c., which are left unsown being devoid of the means of rain, is correct. That since the transmission of this report rain has fallen, and the Jemadar being again deputed, the sowing of Indigo on the part of the Saheb is getting on in those Villages.

Order of the Magistrate, dated the 2nd April 1860.

ORDERED, that the Darogah should prevent as usual any breach of the peace.

Petition of MR. A. MACARTHUR of Chur Naraindea Factory, to the Collector of Jessore,—(dated 28th Falgoon 1266 B. S.)

THE Petitioner represents that the Ryots of Chur Naraindea having combined together are causing him considerable loss and expressing

their wish to raise a sedition when the Factory people will on the fall of rain go to sow Indigo on the Khattaee, Pattaee and Istmoararee Indigo lands. That, under the circumstances, it is not improbable that wounding and loss of life will ensue. He prays therefore that a Perwannah be issued to the Darogah to the effect that, after enquiry, he will take care that no affray occurs when his Khattaee and Pattaee lands are sown with Indigo.

Order of the Magistrate, 10th March 1860.

ORDERED, that the Darogah should be careful that no one creates a riot when Indigo is sown on those lands of which the Saheb shows pottahs. That he should also prevent any riot when the Khattaee lands are sown with Indigo.

Petition of MR. DURAND, of Nischindpore, to the Joint Magistrate of Magoorah,—(dated Chytro 1266 B. S.)

THAT the Pattaee Indigo lands in Sobdunpore, Mollahdangah, Sonaie, Kooree, Nohatta and other Villages within the jurisdiction of Sobdunpore Factory have been hitherto sown without opposition. That owing to his enmity with the Zemindars, Baboo Ram Rutton Roy and Baboo Hurnath Roy, Tounezuddeen Lusker, Gour Chunder Shaha and others, accompanied by great many Lattials with arms, are hovering about the Factory according to the orders of the Tehsildar of the Zemindar Bhojo Gobindo Singh, Ramsoonder Ghose, Chunder Kanth Bagchee, and expressing a wish to commit ravages similar to those committed on the Western Factories of Carragodah, &c. That with this view they on the 10th Chytro assembled, abused and drove off the Factory Coolies who were ploughing and sowing the above-mentioned lands, and at the same time told the Coolies that should they come again to sow Indigo they may be sure to lose their lives. That as the Defendants are the servants and Ryots of a powerful Zemindar, and as threats are used and Lattials are being assembled, it is not improbable that the Ameens and the Coolies will be wounded and killed if they go to sow Indigo and protect that which was sown in *Kartick*. That the Petitioner obtained decrees for most of the lands mentioned above in Act IV. cases and was put in possession of them by the former Joint Magistrate and the Darogah, and that he has been in possession of them according to the boundary fixed by arbitration by Modhun Mohun Lahorey, Sherishtadar. That the

Baboos instituted suits at their own expense in the Courts in the name of the Ryots for recovering possession of those lands with wassilaut, but the lands being proved as Pattaee lands of the Factory, the claims were dismissed. That having thus failed they are now practising oppression in order to dispossess the Factory of the lands decreed and to prevent the sowing of Indigo. The Petitioner prays that the Magistrate will proceed to the spot, prevent any oppositions to the sowing of the lands which have been sown in previous years, arrest the Lattials, who have assembled and the above-mentioned Defendants and punish them for setting the orders of the Courts at defiance.

Order of the Joint Magistrate of Jessore, dated the 2nd April 1860.

THAT the Darogah should take care that no affray takes place when the Saheb's people go to sow Indigo on the Pattaee lands which have been sown in previous years.

Petition of GOGUN CHUNDER BISWAS, of Mothoorapore, to the Magistrate of Jessore,—(dated 28th Chytro 1266 B. S.)

THE Petitioner states that he has been serving as an Ameen of the Mothoorapore Factory belonging to Ram Gobind Buxee and others. That his Masters are poor men, they have been carrying on the Indigo business for a long time without meeting with any opposition and the Ryots have been also from year to year cultivating the Shutta lands with Indigo; that the Ryots have taken advances this year but hearing of the disputes between the Planters and the Ryots in different places they refuse to cultivate the Indigo lands in Dollubpore, Chola Bhadaee and other Villages appertaining to the Factory, saying that many of the influential Planters have left the country and why wont his Masters keep themselves quiet. As the sowing season is at hand, if the Ryots do not cultivate Indigo this year, his Masters will be at once ruined; that if he goes to cultivate the Nizabad lands of those Villages the Ryots who have combined come to quarrel, and that as there is every probability of persons being wounded and lives lost if they pursue this course, he humbly prays that orders may be issued to the Darogah of *Jhenidah* to see that the Ryots who have combined do not quarrel when he goes to get the Indigo lands of those Villages cultivated by the Ryots who have taken advances, and to check any opposition that may be raised when cultivating the Nizabad lands.

Order of the Magistrate, dated the 9th April 1860.

THAT the Darogah should take care that no one commits outrage or interferes in the matter of sowing Nizabad lands, and that should the Ryots who have taken advances refuse to sow Indigo, the Prosecutor is at liberty to institute suits under the new Act.

Petition of PHALLOO CHUNDER BHOOMEEK, of Bordea, to the Joint Magistrate of Jessore,—(dated 2nd Bysack 1267 B. S.)

THE Petitioner states that of the Putnee Talook which his Master, Mr. Storm, Manager of Paikdangah Concern, has in the Village of Bordea, Pergunnah Nuldee, the portion which is in the name of Juggernath Buxee had been held in possession by Bykantnath Mullick under a decree and leased out by him to the former Manager of this Factory, Mr. Frank, for ten years from 1257 to 1266 B. S. That the Mullick having thus been in possession of it for some years died. That according to the will of the deceased his Nephews, sons of his Sister, Kallynath Bose, Doorga Dass Bose and Gungadass Bose and others, becoming proprietors under Act XX. appointed their Father Woody Chunder Bose as general Mooktear for the performance of all their works. That this Woody Chunder Bose has been receiving the rent, giving receipt for the same. That as the lease was to expire in Chytro last it was renewed for ten years more from 1267 to 1276. That at the instigation of Chunder Monee Ghose, Naib of Rashmonee Dassee, Zemindar of Mokeempore and of Bishtoo Churn Biswas, an inhabitant of the place, with both of whom his Master bears an enmity, Woody Chunder Gose is giving evil counsel to the Ryots of the Ijarah Mehal, who holds advances from the Chorekhallee Factory belonging to my Master to cause a disturbance and not to sow Indigo on the lands which have been sown in previous years. The Petitioner prays that the said Bose be summoned to the Court and punished for giving evil counsel to the Ryots.

Order of the Joint Magistrate, dated the 17th April 1860.

THAT this Petition be sent to the Darogah with directions that, should the charge be proved on enquiry, he will send the Defendants to the Court with proofs after taking a Security of 50 Rupees from them.

Petition of MONEERUDDEEN, on behalf of MR. J. TWEEDIE of Hazrapore Factory, to the Darogah of Jenidah,—(dated 12th Bysack 1267 B. S.)

THE Petitioner represents that Tarun Chunder Chuckerbutty of Shachany; Rajendro Shaha, Koresh Mahomed, Soomeerudeen and others of Nowtarah; Arafdy Mollah and others of Ramnuggur, have all leagued together not to allow Indigo being sown on their own Indigo lands in Turruf Shachany, Niz Shachany and Nowtarah, which have been yearly cultivated with the same crop. That they are giving evil counsel to the Ryots of their own and other Villages to prevent the cultivation of Indigo. That now the rains having set in, if Indigo be not cultivated on those lands, his Master will sustain considerable loss. Under these circumstances, he prays that, under the new Law, the under-mentioned witnesses be arrested and sent to the Magistrate, and that care be taken as to the sowing of his Master's Indigo:—

Ferazuttoollah.

Nusseeruddeen Sheikh and others.

Darogah's report to the Joint Magistrate, dated the 23rd April 1860.

THAT the above-named Moneeruddeen having personally presented a Petition to the effect that Tarun Chuckerbutty, of Shachany; Rajendro Shaha of Nowtarah, and others, have combined not to allow Indigo being sown on the Indigo lands of the Saheb, which have been cultivated with Indigo in previous years, he issued a Hookoomnamah to Gobind Burkundauz, ordering him to prevent the occurrence of any affray; to see that no one puts obstacles to the cultivation of the Saheb's Indigo; and to arrest and send in those who are found to have combined against the sowing of Indigo. He will report whatever transpires hereafter on the subject.

Joint Magistrate's order on the Darogah's above report, dated the 28th April 1860.

THAT the Darogah should institute an investigation into the case under Act XI. of 1860, and send in the Defendants with the proofs.

Darogah's Return, dated the 11th May 1860.

THAT the Prosecutor has been reluctant to have the investigation conducted.

Joint Magistrate's order, dated the 14th May 1860.

THAT the papers be recorded.

Perwannah of MR. SKINNER, Officiating Joint Magistrate of Jessore, to PUNCHANUN MOZOOMDER, Peshkar of the Nurail Sub-Divisional Court,—(dated the 23rd November 1859.)

IT having transpired that the Ryots of Degooleah, Myegrans and Lateer have combined together not to cultivate and sow the Saheb's Goozastah Indigo lands, you are ordered to give aid in the cultivation and sowing of those lands.

Petition of NYEMUDDY BISWAS and AULECH MOONSHEE of Sonooah, Pergunnah Nuldy, to the Magistrate of Jessore,—(dated 13th Falgoon 1266 B. S.)

THE Petitioners represent that they are under advance for sowing the Indigo lands appertaining to the Factory of Baboo Ramruttun Roy of Nurail at Narainpore, and have been cultivating Indigo and supplying it to the Factory at Toojardangah; but the servants of the Balunkhallee Factory of Kallykanth Roy having in Bhadro last cut down and taken away the Indigo cultivated last year, the Baboo obtained a decree for the unliquidated portion of the advance due from the Petitioners, who are in fact never reluctant to give Indigo to the Baboo's Factory. That of the amount decreed against them, Rupees 28-10-2 was due from Nyemuddy Biswas and Rupees 21-13-5 from Aulech Moonshee. These amounts they were prepared to pay up with Indigo, but their Master Kallykanth Roy prevented them from doing so, by giving them bad advice and on their being averse to it harassed them by constantly sending Lattials to them. That owing to their being still willing to pay up the sum decreed against them by supplying Indigo to the Baboo's Factory at Toojardangah, the servants of their Master, Nundcoomar Mitter, Manick Moonshee, Jooragazee and others threaten them with expulsion from their homes. Under these circumstances, the Petitioners pray that no one be allowed to interfere in the matter of sowing the Baboo's lands which are under engagement, and that Kallykanth Roy, Nundcoomar Mitter, Manick Moonshee and Jooragazee and others be summoned and bound down in heavy Security so that they (Petitioners,) may not be deprived of their houses.

Magistrate's order, dated the 25th of February 1860.

THAT the Darogah should take care that no one causes any disturbance on the occasion of the Petitioners sowing Indigo on their own lands.

Petition of MONEERUDDY SHEIKH, RAJCHUNDER KAPALLEE, TACOWREE SHEIKH, MODHOO SHEIKH, PANCHOO SHEIKH, NYEMUDDY SHEIKH and RAMDHONE KAPALLEE, Chowkeedar of Sonooah, Pergunnah Nuldy, to the Magistrate of Jessore,—(dated 13th Falgoon 1266 B. S.)

THE Petitioners state that they have taken advance for sowing the Indigo lands appertaining to the Factory of Baboo Ramrutton Roy of Nurail at Narainpore, and have been cultivating Indigo and supply it to the Factory at Toojardangah, but in Bhadro last the servants of the Balunkhallee Factory of Kallykanth Roy cut down and took away the Indigo cultivated last year, and thus left them in arrears. That they are prepared to supply Indigo to the Baboo's Factory at Toojardangah, but their Master Kallykanth Roy, prevents them from doing so by giving bad counsel. That on their refusing to abide by their Master's advice, his servants, Nundcoomar Mitter, Manick Moonshee, Jooragazee and others are harassing them in various ways, and threatening them with expulsion from their homes. Under these circumstances, the Petitioners pray that a Perwannah be issued to the Darogah with orders to see that no one oppresses them so as to make them forsake their home, and that the Defendants be summoned and bound down in heavy Security.

Magistrate's order, dated the 25th February 1860.

THAT the Darogah should take care that no one causes any disturbance on the occasion of the Petitioners sowing Indigo on their own lands.

Roobokarry of the Magistrate of Jessore, dated the 21st March 1860.

COPIES of Istahar which has recently been received from the Government in connection with the sowing of Indigo should be sent to some of the Thannahs. It is therefore ordered that copies of the Istahar be sent to all the Darogahs excepting those of Thannahs Tallah and Delutty and Pharrees Rampal, Chand Khally, and Buttaghatta, and to the Naib Darogah of Pharree Magoorah with orders that if there be any disturbance with reference to Indigo, the Istahar should be read to

the people and its purport fully explained to them, and that if any one wants to hear or read it he should be allowed to do so. That a copy of it be also fixed at a conspicuous part of the Cutcherry.

Petition of JUDOOBHOOSUN DEB ROY, Zemindar of Goonjonugger, Pergunnah Mahomedshye, to the Magistrate of Jessore,—(dated 3rd Bysack 1267 B. S.)

THE Petitioner states that the Magistrate is aware of the disturbance which the Ryots of Monoorapore, Taleerdhannopoorah, Aujompore, Paickparah, Augraeen, Chundeepore and other Villages appertaining to his Factory at Monoorapore, are about to create at the instigation of Madhub Chunder, Beepe[illegible]beharry, Mohun Chunder and Parree Mohun of Doorgapore and Sreenath and Ramrutno Mojoomdar of Taleedhannopoorah in order to stop the sowing of Indigo on the Khamar and Goozastah Indigo lands in those Villages which are under engagement. That, as owing to the rains which fell yesterday, the Superintendent, Gomashtah, Ameen and Khalassee of his Factory are to proceed to those Villages to sow Indigo, the Ryots thereof and others about three or four hundred men have assembled with lattees and other arms to disturb the peace, and to wound and kill his servants. That they are so powerful that his servants far from sowing Indigo think it difficult to stay at the Factory which is about to be attacked. That unless the Magistrate take steps today to put down the disturbance there will be a serious affray, wounding and loss of lives. Under these circumstances, the Petitioner prays that the Darogah of Thannah Sajeally and the Nazir of the Magistrate's Court be ordered immediately to proceed into the Mofussil to quell the disturbance, arrest the Lattials, rescue the Factory, and see that no one interrupts the sowing of Indigo on his Goozastah lands by creating a disturbance.

Order of the Joint Magistrate of Jessore, dated the 14*th April* 1860.

As an Act has recently been passed on the subject, the Darogah, is ordered to proceed into the Mofussil to explain to the Ryots that if those who have entered into any contract this year do not sow Indigo, their property will be sold by the Magistrate as is done in execution of decrees, and the proceeds paid to the Planters for their damage; that those who have leagued together to create disturbance for not sowing Indigo

will be sentenced to imprisonment for six months and fined 200 Rupees; that those who will give evil counsel for not sowing Indigo will be liable to punishment; and that another new Act will be passed after the sitting of a Committee.

Petition of KALLICAUNTH ROY CHOWDRY, of Nowparah, to the Magistrate of Jessore,—(dated 5th Bysack 1267.)

THE Petitioner states that he has been year after year in receipt of the Indigo leaves which grew on the Pattaee lands and on those advanced for in Magoorah, Kolookhallee and other Villages appertaining to his Factories at Ramunkhallee and Sooltanpore, but this year Baboo Ramrutton Roy and others of Nurail, and Dhurnyadhur Roy, and others on their behalf, having collected and located at different places Lattials varying in number from 150 to 175, are giving out that if the Ryots who have taken advances go to sow Indigo they will be carried to the prison at Nurail. That some of the inhabitants of Bonnaghatta have been wounded and their houses plundered for going to sow Indigo. That complaint was made to the Naïb Darogah to this effect, but he arrested none having colluded with the other party. Under these circumstances, the Petitioner prays that a Perwannah be issued either to the Singhea or Cutwally Darogah for arresting the men assembled and sending them to the Magistrate with their arms.

Order of the Joint Magistrate of Jessore, dated the 17th April 1860.

THAT the Darogah should take care that no one interferes with the Ryots. That if any one cause any disturbance on the Ryots willingly sowing Indigo, he should be arrested and sent in with proof.

From E. W. MOLONY, ESQ., Magistrate of Jessore, to A. MONEY, ESQ., Officiating Secretary to the Government of Bengal,—(No. 351, dated the 2nd September 1860.)

SIR,

WHEN forwarding the explanation called for in the Government letter No. 3216, dated the 15th of June, I requested the Commissioner to supply me with a copy of his remarks, in order that I might explain any thing which he considered insufficiently or imperfectly met. I yesterday received a copy of his letter forwarding my

explanation, and of his marginal annotations: no copies of the translations have been sent by the Commissioner, and I am not therefore aware whether every thing which will enable the Lieutenant-Governor to form a fair judgment of the sufficiency of my explanation has been laid before him.

2. I regret excessively that the Commissioner has not been able to retract the opinion which he before expressed with regard to those orders, and hope that the Lieutenant-Governor will be pleased to take the following circumstances into consideration in disposing of the matter:—

1*st*. That the orders were not judicial awards, but laid down the course to be adopted by the Police in preserving the peace and in protecting rights which were stated to be invaded.

2*nd*. That in the two first instances there was not the simple assertion of a right, but that I had satisfied myself that there were good grounds for the assertion. That my conclusions then form and have been borne out by the fact of upwards of 100 beegahs of land which was then under October plant having been since decreed judicially under Act IV. of 1840, to the Factory, by their having been no appeal against my orders either to the Sessions Judge or Commissioner, though these very Villagers appealed against other orders of mine then passed to the Sessions Judge and had previously petitioned the Commissioner, and by the fact of no one* having come forward to state that he had been in any way aggrieved by the execution of the orders.

* At least I am not aware of any one.

3*rd*. That my orders in the first instance were reported to the Commissioner on the day after they were issued, and that the second order was a repetition of the first, for a Village which was mixed up in the same combination and the Ryots of which were at my Tent each day I was at Sheergram.

4*th*. That expired pottahs could not have been received as a "pottah" within the meaning of my order.

5*th*. That in the third instance there is nothing in my order which justifies Mr. Lushington's definition of the Darogah's duties under it. It certainly never was intended that the Darogah should act without exercising a certain amount of discrimination.

6*th*. That the Planter in this instance, as in the others, was the Petitioner; that he represented that his rights were invaded and that

every order is passed on the assumption that a Petition is more or less true, the Darogah was only ordered to protect existing rights; if such rights had not existed, he would have reported the circumstance.

3. In his remarks on the latter part of my 5th paragraph, Mr. Lushington has again lost sight of the distinction between a Magistrate's duties as Controller of Police and as a Judicial Officer; my remarks in that place apply solely to the *primâ facie* evidences of the existence of a right, which Police Officers have to look to in the execution of their duty in preserving the peace by protecting just rights of parties, leaving those aggrieved to their remedy at Law.

4. With reference to the Perwannahs now sent up with the Commissioner's remarks on my 7th paragraph, I cannot state without examining the papers, whether there was any thing which would justify a Magistrate in not sending Police to the spot on which it was alleged a breach of the peace was probable, nor do I know now, not having any papers by me to refer to, by whom these Perwannahs were issued.

5. With reference to the remarks on the 9th paragraph, I beg to state that the dispute at Nakoonda (Oolooah) had nothing whatever to do with the excitement which spread from Kishnaghur to this District; such combinations have occasionally taken place at intervals ever since I have known the District, and are generally started by Zemindars or dismissed servants to serve their own interests or spite. They do not usually spread very widely.

From C. B. SKINNER, ESQ., Joint Magistrate of Jessore, to A. MONEY, ESQ., Officiating Secretary to the Government of Bengal,--(dated the 2nd September 1860.)

SIR,

HAVING received a copy of the Officiating Commissioner's remarks on paragraph 3 of my letter No. 113, of 9th July, I have the honor to submit a few supplementary comments.

2. The Officiating Commissioner remarks that I meant *goozashta* when I wrote *goodashta*. I am perfectly aware that *goozashta* is the original Persian past participle, meaning "passed," but *goodashta* is the corrupted word commonly used by persons connected with Indigo cultivation in this District.

3. With reference to Mr. Lushington's next remark about assistance to be given to a person sowing his Pottah Lands, I would remark that

my endeavour has been to protect rights after satisfying myself of the facts to the best of my ability.

4. I would then consider Mr. Lushington's remarks on my order in Mr. Durand's case, *viz.*, I "was not justified in issuing the general orders to the Police to prevent any interference to the Planter from sowing." I passed no *general* order of this nature, but an order to protect a man in rights, inherent in the occupant who had been legally recognized as such, and only with reference to the lands, for possession of which he had just obtained a decree under Act IV. of 1840. Mr. Lushington has admitted that a man should be assisted in sowing his pottah lands when it has been satisfactorily proved that they are such. I do not think better proof could exist than the decree obtained by Mr. Durand, and cannot see that any question is left to Police enquiry or the Planter's discretion.

5. The next remark is that, giving bad advice to Ryots is not contrary to any law. I am perfectly aware that merely "giving bad advice" is not a criminal offence; but, where a Zemindar being at war with a Planter or another Zemindar, sends his Naik to rouse the Ryots against the Planter or Landlord with promises of support, or by threats of plunder, &c., merely for the sake of carrying war into the Planter's or Zemindar's own country, such conduct is likely to provoke a breach of the peace. I ordered an enquiry into the truth of the charge as a basis of operation. If I had not done so, and an affray had taken place, I should have been blamed for taking no preventive measures, although the locality was nearly fifty miles South-East from Jessore Station. I cannot agree with Mr. Lushington that there was any thing illegal in this order.

6. Mr. Lushington's next remark would imply, that I was wrong in taking notice of a Petition presented at Mahomedpore Thannah, distant forty-two miles North-East from Jessore. I maintain that it was absolutely necessary for the peace of the District that I should do so; that I should have done a gross injustice to the occupant of those lands held by virtue of a decree under Act. IV. of 1840, had I not done so, and that there was no necessity for personal communication with the applicant. I do not now positively remember whether any Petition was presented to me. If, on the Thannah report, I had ordered that I would give no instructions until the applicant should petition to me in person, six days would have elapsed before my order could have taken effect,

and the opportunity of turning to account, lands held under a legal award, would probably have passed by for the reason my order for protection was confined to the decreed lands. The Planter was referred to Act XI. of 1860 for his remedy in the event of non-fulfilment of contracts, and the Police were plainly told not to interfere in this matter.

7. With reference to the next remark, I can only express regret if I acted contrary to the intention of Section V., Act XI. of 1860. I do not think, however, that any but a local enquiry would have brought out all the facts. To show how difficult it would have been for me always to hold that enquiry myself, I have only to refer to the distances above given, while the places referred to in this comment were thirty miles North of Jessore.

8. In his remark on paragraph 7 of Mr. Molony's letter No. 209, of 8th July, Mr. Lushington has brought up a Perwannah, issued by me in November 1859, as a proof that the agitation had *then* shown itself in the East of this District. Now, I submit that it has no reference to the question at all. The facts were as follows:—A Gomashtah of the Oolooah Factory, a member of the chief family of Degoolea Village, had run away and enlisted the Ryots on his side. This man had hitherto obtained ploughs for the Factory *Neezabad* cultivation; but the supply now being stopped, the Planter asked that his people might be protected on their going to cultivate these lands with their own ploughs, on which I issued the Perwannah, of which Mr. Grote wrote as follows:—

"*Mr. Skinner admits*, that the lands hitherto cultivated by the Factory are the property of the Ryot, and have not been leased to the Concern. If so, have not the Ryots the right at any time to put an end to the engagement?"

Now my letter runs thus:—"*The Ghoses admitted* at the time of my visit to the spot, and to-day, on my enquiry from Govindo Ghose that the Indigo lands have always been *Neezabad*, that is, cultivated by the Factory through their own laborers and sown in Indigo similarly, and that, although the property of the Ryots are not given in pottah to the Factory, the Ryots do not object to Indigo being sown, &c., provided they themselves are not compelled to cultivate." Mr. Grote had nothing but this letter and the Perwannah before him and apparently took as *my opinion*, what was merely a statement of the *arguments of the Ghoses* (the ex-Gomashtah's family,) and argued that I was wrong to

afford protection to the Planter in cultivating the Ryots' lands. Now, the Ryots said the lands are in the *de facto* possession of the Factory and we do not want them : all we want is, that we shall not be compelled to furnish ploughs. The Ryots did not even say they wished to put an end to the agreement. I *could* only have considered the matter under Act IV. of 1840, which, with the admission of possession before me, would have been superfluous. As from the copies supplied by the Commissioner, it would appear that only extracts from my explanations have been forwarded, and paragraphs 1 and 2 bear directly on some of the remarks contained in letter No. 3216, of 15th June, from Secretary, Government of Bengal, to the Officiating Commissioner, Nuddea Division, I take this opportunity of forwarding copies of those paragraphs and of paragraphs 8 and 9.

From W. S. SETON-KARR, ESQ., Officiating Secretary to the Government of Bengal, to E. H. LUSHINGTON, ESQ., Officiating Commissioner of the Nuddea Division,—(No. 5242, dated the 2nd October 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter, dated the 8th of August last, No. 211, which has been duly considered, together with its enclosures, and with letters subsequently received from Mr. Molony and Mr. Skinner, both dated the 2nd instant, and to communicate the following remarks on the subject of these papers.

2. The Lieutenant-Governor thinks it unnecessary to enter into the details of the several cases, and of the orders passed in each. He concurs generally in the remarks which you have appended to the explanations of the Magistrate and of the Joint Magistrate. You have properly pointed out that the extent of the lands included in the pottahs under which the Planter claimed to sow Indigo, and the fact of the expiry or otherwise of the pottahs, were left unascertained, and that too much power was thus placed in the hands of the Police.

3. With this exception, however, the orders passed by Mr. Molony appear to have been quite proper. It is to be regretted that the orders passed by Mr. Skinner were of a more objectionable character. But the Lieutenant-Governor does not desire to say more on this subject, as the cases have been properly noticed by you.

No. LII.

From T. KINGSLEY, ESQ., Secretary to the Indigo Planters' Association, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(dated the 26th July 1860.)

SIR,

I HAVE the honor to enclose a copy of a Petition forwarded by me to-day to His Excellency the Viceroy and Governor General in Council, which, as it relates to the Hon'ble the Lieutenant-Governor, the Central Committee of this Association have considered it proper at once to transmit to you through me, to be laid before His Honor.

From W. GREY, ESQ., Secretary to the Government of India, Home Department, to A. R. YOUNG, ESQ., Secretary to the Government of Bengal,—(No. 1374, dated the 27th July 1860.)

SIR,

I AM directed to forward the accompanying copy of a Petition presented to the Government of India by the Central Committee of the Bengal Indigo Planters' Association, and to intimate that the Governor General in Council will be glad to have the Lieutenant-Governor's remarks on the statements made in the Petition.

Petition of the Bengal Indigo Planters' Association, to the Right Hon'ble His Excellency the Viceroy and Governor General of India in Council.

RESPECTFULLY SHEWETH,

THAT your Petitioners' Association is composed principally of persons engaged in the cultivation of Indigo in the Lower Provinces of Bengal, a cultivation which has been by one Right Hon'ble Member of the Council remarked upon as one of the few in India attracting British capital to native labor, and one which the Government would above all others wish to encourage.

That although your Petitioners are convinced of this desire on the part of the Government of India, the present Governor of Bengal, the Hon'ble John Peter Grant, has, since his appointment to his present Office, unfortunately acted in such a way as to throw nearly the whole of

the Indigo Districts, and especially Kishnaghur, into confusion, and unless something be done to remedy the present system of misrule, many Indigo Planters must be irretrievably ruined, while the inevitable result of the withdrawal of British capital from the Districts is a matter of no small importance.

That your Excellency in Council may probably be, in consequence of your Excellency's duties having made it necessary for you to proceed up the country at the time in question, not minutely acquainted with the origin of the disturbances which have for some months been existing in Kishnaghur and the adjacent Districts, and which have already put Government to so much expense.

That the origin of those disturbances undoubtedly was the conduct of the Hon'ble Mr. Eden, then Magistrate of Baraset, in allowing the Ryots of the Baraset District to become aware that his feeling was against the Indigo Planters, whereupon the Manager of the Bengal Indigo Company complained to the then Governor of Bengal, now Sir Frederick Halliday, but that Gentleman having retired from office, the matter was finally investigated by the Hon'ble John Peter Grant, who supported Mr. Eden.

That on the 17th August 1859, the Hon'ble Mr. Eden wrote to the Deputy Magistrate of Kallarooah a letter which your Excellency in Council will at once see was intended to point out the advisability of Ryots objecting to cultivate.

From Hon'ble A. Eden, Magistrate of Baraset, to Baboo Hemchunder Kerr, Deputy Magistrate, Kalarooah Sub-Division.

Sir,

As the cultivation of Indigo is carried on to a considerable extent in your Sub-Division, I beg to forward for your information and guidance extracts from a letter No. 4516, dated 21st July 1859, from the Secretary to the Government of Bengal, to the Commissioner of the Nuddea Division.

You will perceive that the course laid down for the Police in Indigo disputes is to protect the Ryot in the possession of his lands, on which he is at liberty to sow any crop he likes, without any interference on the part of the Planter or any one else. The Planter is not at liberty, under pretext of the Ryots having promised to sow Indigo for him, to enter forcibly upon the land of the Ryot. Such promises can only be produced against the Ryot in the Civil Court, and the Magisterial

Authorities have nothing to do with them, for there must be two parties to a promise; and it is possible that the Ryots, whose promises or contracts are admitted, may still have many irresistible pleas to avoid the consequence the Planter insists upon.

That, on the 20th August 1859, the said Hem Chunder Kerr published in the District the following unfortunate and ill-judged Proclamation:—

TRANSLATION.

"To the Darogah of Thannah Kalarooah. Take Notice.—A letter from the Magistrate of Baraset, dated the 17th August 1859, having been received, accompanied by an extract from an English letter from the Secretary to the Government of Bengal, to the address of the Commissioner of the Nuddea Division, dated 21st July 1859, No. 4516, to the following purport, that in cases of disputes relating to Indigo Ryots they shall retain possession of their own lands, and shall sow on them what crops they please, and the Police will be careful that no Indigo Planter nor any one else be able to interfere in the matter, and Indigo Planters shall not be able forcibly to cause Indigo to be sown on the lands of those Ryots on the ground that the Ryots consented to the sowing, &c., of Indigo. If Ryots have so consented, the Indigo Planter may bring an action against them in the Civil Court. The Criminal Court has no concern in these matters, because, notwithstanding such contracts, or such consent withheld or given, Ryots may urge unanswerable excuses against the sowing of Indigo.

A copy of Perwannah is therefore issued, and you are requested in future to act accordingly.—Dated 20th August 1859."

That the consequence of this was that the Ryots in that and the surrounding Districts immediately believed that Government wished to put a stop to Indigo Planting, and on the 14th October 1859, the Manager of the Jingergatcha Indigo Concern brought to the Commissioner's notice the dangerous effects of such a Proclamation, and after an investigation the Commissioner, Mr. Grote, as well as Messrs. Reid and Drummond, who were all men who thoroughly understood the Indigo Districts and the people, unanimously condemned the indiscretion of the Magistrate and Deputy Magistrate, although the Hon'ble Mr. Grant on the 7th April 1860 wrote a letter in which he stated that he considered that Mr. Eden had given a satisfactory explanation.

That although that might appear so to His Honor, the consequences in the mean time were serious in the extreme to the Planters, and about the beginning of February, on the return of the Honorable Mr. Grant from a tour through the Indigo Districts, a report spread rapidly throughout the whole of the Villages that the Government were opposed to the cultivation of Indigo.

That your Petitioners believe that this was caused by the Lieutenant-Governor allowing himself to form and openly express an opinion hostile to the system of Indigo Planting, although at a subsequent interview which a Deputation of your Petitioners' Association had with His Honor, he stated plainly that he had never had any experience in the Indigo Districts, and that he was very ignorant on the subject, and in order to show that your Petitioners' belief on that subject is not unfounded, they would beg your Excellency's attention to the following extract from a letter from Mr. Grant to Mr. Sconce, dated the 23rd March 1860, written ten days after the interview with the Deputation and published by the authority of the Government of Bengal, which is as follows :—

"I am myself of opinion that the Indigo cultivators" (meaning the Ryots)—"have and long have had great and increasing ground of just complaint against the whole system of Indigo cultivation."

That the occasion of the writing of that letter was the earnest entreaty of the Planters that His Honor should request Mr. Sconce to bring into the Legislative Council a Bill to compel Ryots to complete their engagements, a measure which was absolutely necessary, as from the rapid spread of the disaffection amongst the Ryots, many Planters saw ruin staring them in the face, while the Districts were becoming so disturbed that neither life nor property were safe.

That the Legislative Council at once saw the necessity of speedy action, and the Act XI. of 1860 was passed and received your Excellency's assent.

That your Petitioners believe that if the Local Authorities had been permitted to carry out the provisions of this Act without interference on the part of His Honor the Lieutenant-Governor, none of the difficulties with which the Planters have to contend would now exist, while, instead of having a prospect before them of utter ruin to many Factories next season, matters would have gone on to the mutual advantage of the capitalist and laborer,—all differences between them being settled like every other commercial arrangement upon the simple question of price.

That immediately upon the Act being passed, His Honor published on the 4th April 1860 a letter of instructions which is hereto annexed, and marked No. 1, which refers to a previous letter published by His Honor, and which is hereto annexed and marked No. 2, and your Petitioners humbly submit to your Excellency in Council that at a time when the Ryots were all under the belief that the Lieutenant-Governor was opposed to the system of Indigo Planting, it would have been more proper to leave the Magisterial Officers to exercise their own discretion as to the mode of acquainting the Ryots with the terms of the Act, instead of directing the Magistrates to communicate to them the desire of Government, or pointing out to them, as in the 7th paragraph of the letter marked No. 2, that the Act was only to apply to the current season, thereby keeping alive in the minds of the Ryots a feeling of excitement that a discreet Magistrate, if left to himself, would have known how to avoid.

That considering the powers which His Honor has as to the removal of Magistrates, it was as your Petitioners submit uncalled for,—unless the Hon'ble Lieutenant-Governor could not trust the Magisterial Officers of the District to hold out as he did in the letter No. 1 a threat of removal if any Magistrate interpreted the Act contrary to His Honor's views.

That the Lieutenant-Governor, in laying down rules for the interpretation of the Act, exceeded, as your Petitioners submit, his powers and trespassed upon the province of the Legislative Council, and of the Judicial Officers of the Government, because, where a question as to the meaning of an Act arose, a Judicial tribunal, where both sides could be heard, was the proper forum to interpret it.

That your Petitioners beg to draw to the earnest consideration of your Excellency in Council that the Lieutenant-Governor has since that Act was passed interfered with the working of it in such a way as to make it wholly useless for the purpose which the Legislative Council had in view, and your Petitioners have only to refer to the records of the Government of Bengal containing the papers relative to Indigo Planting which are published by authority, to show that His Honor has exercised an improper and most indiscreet interference with sentences passed by the Magistrates.

That soon after the passing of the Act a Mookhtear was tried by Mr. Betts for instigating Ryots to break their engagements, and a number

of Ryots were sentenced for ploughing up Indigo that had been sown.

That both of these offences had become very common, and it was necessary for the sake of example to put them down at once; but notwithstanding this, and the express provision by the Legislative Council that there should be no appeal, the Lieutenant-Governor on the 19th April 1860 ordered the Commissioner to review these proceedings, as appears by the letter hereto annexed and marked No. 3.

That by adopting such a course, the Prosecutors had not even the chance which, if there had been an appeal, they would have had, of showing that the convictions were proper, and the Lieutenant-Governor soon afterwards ordered the release of the Mookhtear and the Ryots, which did more harm than your Excellency can imagine.

That in order to show what the wish of His Honor was, this proceeding has been followed up by his directing the release of many other Ryots imprisoned duly according to Law, and the removal from the Indigo Districts of the Magistrates, Messrs. Betts, Mackenzie, Macniell and Taylor, and the substitution for them in cases coming under the new Act of some of the Principal Sudder Ameens of other Districts.

That the effect of His Honor's interference has, amongst other things, been to create an impression not only in the minds of the Magistrates but also of the Planters and Ryots, that any decisions in favor of the Planters would meet with the disapproval of the Government of Bengal, and your Petitioners would beg leave to draw the attention of your Excellency in Council to the evidence amongst others of Mr. Forlong and Mr. Taylor given before the Indigo Commissioners (the evidence on oath of men of the most unimpeachable character,) to shew the effect of these acts of His Honor, and the absurdity of continuing to institute suits under the new Act.

That in a recent case in which a decision has been given by Mr. Herschel, Magistrate of Kishnaghur, which your Petitioners consider to be entirely contrary to the evidence, and most unjust to the Planter concerned, His Honor has, upon a special report of the case to him, ordered copies of it to be distributed among the Officials before whom cases under Act XI. of 1860 are tried, with an intimation that Mr. Herschel's decision is to be taken as a rule to guide them in all similar cases. This your Petitioners look upon as a most unusual and unauthorized interference with the ordinary course of Law, and the proper inde-

pendence of the Judicial Authorities, and especially unfair and injurious to your Petitioners, inasmuch as the evidence produced was chiefly that of Books and Documents, kept according to the common practice of all Indigo Factories, which are thereby and in this particular case unjustly condemned wholesale as not to be received as good evidence of claims against Ryots, and being the only corroborative evidence Planters have to produce, such claims are practicably rendered impossible of proof.

That your Petitioners beg to draw particular attention to the evidence of Mr. Taylor, a man of the highest honor and reputation, (given before the Commissioners,) by which it appears that, while the decision of cases under Act XI. was left to the gentlemen acting as Magistrates in the District, every case was decided in his favor; but every case which has since their removal been brought by him before the Principal Sudder Ameen, although supported by the same class of evidence as in the previous cases, has been dismissed; a fact that, as your Petitioners submit, shews the effect of the interference which they now complain of.

That in several Districts contracts have been entered into for three years and upwards, and in the absence of any Legislative Enactment to the contrary, such contracts are in every way binding, and many Planters have made their calculations for the several seasons on the knowledge of these contracts; but His Honor without taking this fact into consideration, or indeed considering for one instant the serious effect on all cultivators of Indigo of such a proceeding, lately published a Proclamation, the immediate effect of which was to cause the Ryots in many Districts, who were previously perfectly quiet, and especially in Messrs. Watson and Co.'s Factories, to combine against their employers.

That the Proclamation is as follows:—

Ishtahar by the order of the Hon'ble the Lieutenant-Governor.

THE following Ishtahar is issued for the information of those Ryots who have been put in prison on account of claims against them for non-fulfilment of their contracts for sowing Indigo, or having taking advances for the current season, and those against whom claims are now pending, as also those who are in any way connected with Indigo.

The Act XI. of 1860, respecting Indigo, which is now in force, will only remain so for a short time. Commissioners will be appointed before the commencement of next season for sowing Indigo to enquire into the cause of complaint by the Ryots in respect of the cultivation of Indigo,

and on their report to Government, such rules will be laid down as will benefit all parties, and will undoubtedly show no partiality to any one. On the expiration of the present season, it will be optional for the Ryots to receive advances, and to enter into contracts for sowing Indigo. That is to say, that as for those who have been imprisoned for not sowing Indigo this season in terms of their contract on proved claims, it will rest with them to receive or not receive advances to sow Indigo in future, although for this season they are required in terms of their contract to sow Indigo.

Revenue Commissioner's Office,
Nuddea Division.

That if there were any doubt in the mind of your Excellency in Council as to the views of His Honor on the subject of the Indigo disputes, and his interference with and implied disapproval of the Act of the Legislative Council, this Proclamation would, as your Petitioners believe, remove it, and the effect of it upon the contracts not yet completed will be irretrievably injurious. That in consequence of this constant interference of His Honor, the people of Lower Bengal are losing all respect for the Officers of Government, and the minds of the people in the Indigo Districts are kept in a state of greater excitement and uncertainty than they were before Act XI. of 1860 was passed. The Districts of Jessore and Pubna, hitherto comparatively quiet, are becoming seriously disturbed, and in them as well as in Kishnaghur, the greatest difficulty is experienced by Planters in inducing the Ryots to cut the fine crop of Indigo Plant now ripe for manufacture, and which will give a handsome return to both Planters and Ryots, unless allowed to perish by the misguided folly of the people.

That although in the course of the evidence taken under the Commission appointed to enquire into the state of the cultivation of Indigo, and which Commission was appointed at the earnest request of your Petitioners, a mass of evidence in support of the allegations that the Ryots are opposed to the cultivation of Indigo, and that it is anything but advantageous to the people to have it cultivated, has been given, your Petitioners refer with confidence to the evidence of the Planters themselves, and more particularly to the plain, visible and undeniable fact that wherever Indigo Factories are situated in Bengal, there the people are richer, the country more highly cultivated, and the Province in a more advanced and prosperous state than in any District where Factories do

not exist; and your Petitioners point with pride to the fact that, within but a few years, miles and miles of country which were covered with the rankest jungle are now highly cultivated and productive lands.

That your Petitioners believe that if your Excellency in Council is desirous of retaining English capital in Bengal, it is absolutely necessary to adopt some measures to prevent His Honor the Lieutenant-Governor of Bengal from interfering as he now does, behind the backs of persons interested, in cases pending or decided, with the due administration of the Law, and to direct His Honor to leave to the Legislature, and the regularly appointed tribunals of the country, the promulgation and administration of the Law.

Your Petitioners therefore humbly pray your Excellency in Council to take into consideration this petition, and to pass such orders as may oblige His Honor the Lieutenant-Governor of Bengal to refrain from pursuing a course of conduct which cannot but be ruinous to the Indigo Planters in Bengal, and to point out to His Honor the impropriety of interfering with the due course of the administration of the Law by the regularly appointed Judicial Officers as laid down by the Legislative Council of India, and which interference is, as your Petitioners submit, both illegal and unconstitutional and especially indiscreet in the case of a dispute between capital and labor, and that your Excellency may pass such further orders as may, under the above circumstances, seem proper.

APPENDIX.

No. I.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioners of Nuddea and Rajshahye,—(dated the 4th April 1860.)

SIR,

THE "Bill to enforce the fulfilment of Indigo contracts and to provide for the appointment of a Commission of Inquiry," as read a third time and passed in the Legislative Council on Saturday last, differs in some respect from that read the first and second times, in regard to which general instructions were conveyed to you in my letters Nos. 1273 and 1290, dated the 27th and 28th ultimo, respectively.

2. It is necessary, therefore, that the state of the Law, as it will now stand, when the anticipated assent of His Excellency the Governor

General is given to it, so far as it affects the Ryots, should be very carefully explained to them, in the same manner that the provisions of the Bill in its former state were explained to them.

3. The following are the most important changes made.

4. The summary and exceptional process available by this Law may be applied to the whole matter of any agreement to cultivate Indigo during the present season for which any advance in cash has been received, instead of being restricted to so much of it as was made in consideration of the advance in cash: and there is no maximum to which the damages assessable by the Magistrate are restricted in proportion to the amount of cash advance received. Moreover, the Magistrate may now decree specific performance; he may decree costs and compensation against a complainant failing to prove his case, and his decision bars all further proceedings in the matter of the contract in question. The provision that there shall be no appeal from the Magistrate's order remains as it was before it was proposed to give him these extended powers. These changes add materially to the responsibilities of the Officers vested with Magisterial powers under the Act, and they make it more than ever imperative on those Officers to give their utmost attention to the equitable principles it will fall to them to apply, and to the careful ascertainment of the facts whenever there may be any dispute of facts regarding the nature as well as regarding the existence of an agreement such as is provided for. On this point, I am directed to request that attention may again be directed to the remark made in paragraph 4 of my letter of the 28th ultimo, No. 1290.

5. The special provision in Section III. of the Act will point the Magistrate's attention to the general principle that fraud and force and unlawful intimidation vitiate agreements.

6. As the Legislature allows no appeal from the decisions of Officers vested with powers under this Act, it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these Officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any Officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties.

7. The Act will have effect from this date; but under Section XI. public Officers are indemnified from any acts done before the 4th instant which would have been justifiable under the Bill as read on the 24th ultimo.

8. One hundred copies of the Act in Bengalee are herewith forwarded to you and should be circulated.

No. II.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioners of Nuddea and Rajshahye,—(Nos. 1273 and 1274, dated the 27th March 1860.)

SIR,

I AM directed to draw your immediate attention to the Bill to enforce the fulfilment of Indigo contracts, which was read a first and second time in the Legislative Council on Saturday last.

2. This Bill, as it is framed, when passed into Law, will take effect from Saturday last, the 24th instant, and the Lieutenant-Governor directs that its provisions be immediately enforced by Magistrates, as though the Bill were Law at this moment. The wording of the Bill shows that this is the intention and object of the Legislative Council.

3. The provisions of this Bill, so far as they affect the Ryots, must be very carefully explained to them. In the Lieutenant-Governor's opinion this explanation will be best made by the several Thannadars, each in his own Thannah.

4. With this view it will be proper for you to issue forthwith through your Subordinates, for promulgation in all those places where any excitement or unusual feeling in relation to Indigo Planting exists, a notice in conformity with those provisions.

5. It must be stated that it is the desire of Government that those Ryots who have received cash advances, upon their agreement to cultivate Indigo during the current season, shall honestly fulfil that agreement. It must be explained that any such Ryot who refuses or delays so to fulfil his agreement shall be liable to be brought before a Magistrate, on the complaint of the Indigo Planter who made the cash advance, and if the Magistrate, after hearing both parties and taking evidence, decides that the Ryot has broken his agreement, that Ryot may be ordered immediately, in presence of the Magistrate, to pay five

times the cash advance, and if he has had Seed advanced to him, five times the value of the Seed; failing which he will be sent to Jail, whilst the amount of the fine will be levied by the sale of his property. This, it may be said, is the order of Government.

6. It should, moreover, be explained that any person who shall by threats or otherwise attempt to prevent Ryots who have entered into contracts of the above nature from fulfilling those contracts, or who shall conspire with others in any such attempt, shall be punished by fine or imprisonment, or both; and any person who shall maliciously destroy or damage, or shall conspire or attempt to persuade others to destroy or damage, any growing crop of Indigo, shall be similarly punished.

7. But it must also be explained that the order extends only to the current season; and it is the intention of Government before the period of taking advances for next season arrives, to institute searching inquiry into the causes of the disputes between Indigo Planters and Ryots engaged in the cultivation of Indigo; and to pass such further laws and orders as will ensure to both parties their just rights, and shall remove any reasonable causes of dissatisfaction which the Ryots may have to show. With this object a Special Commission of Inquiry will very soon be appointed.

(To Commissioner of Nuddea.)

8. It is very desirable that wherever there is a large Indigo cultivation, and the probability of numerous disputes regarding Indigo agreements, there should be in the close neighbourhood an Officer at hand to carry out this new Act, and with this object three additional Officers with full Magisterial powers have recently been placed at your disposal, and can be located wherever you consider they are most likely to be required; other Officers now in your District are of course also available for the same duty. If any of those Officers, who have not now full powers are,

(To Commissioner of Rajshahye.)

8. It is very desirable that wherever there is a large cultivation, and the probability of numerous disputes regarding Indigo agreements, there should be in the close neighbourhood an Officer at hand to carry out this new Act. All Officers having full powers of a Magistrate, who are now in your Districts, are of course available for this duty, and can be located as may seem to you advisable. If any other Officers, who have not now full powers, are in your opinion competent to decide cases under the Act, they will on your recommendation be specially vested with

in your opinion, competent to decide cases under this Act, they will be specially vested with the requisite powers for this particular purpose, on your recommendation. You will bear in mind what was said in a late letter regarding the necessity of giving every Officer deputed into the interior of a District where excitement prevails, a sufficient guard of Military Police to maintain his authority.

the requisite powers for this particular purpose. Mr. Furrell, of the Aurungabad Sub-Division, has this day been vested with those special powers. Should you require an additional number of Officers to give effect to the Act in any District, you should lose no time in applying for them. It is necessary that every Officer deputed into the interior of a District for the purpose of carrying out this Act, should be attended by a sufficient guard of the Military Police to maintain his authority, and to put down immediately any disturbance.

No. III.

From A. R. YOUNG, ESQ., Secretary to the Government of Bengal, to the Commissioner of Nuddea,—(No. 1838, dated the 19th April 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 100Ct., dated the 18th instant, enclosing Mr. Herschel's seventh weekly report on the state of the Indigo Districts in Zillah Nuddea. In this, special reference is made to the working of the new Law, which, Mr. Herschel observes, has been much misrepresented by the Planters to the Ryots; the sentences passed under it being held out as threats over the latter, with a view to coerce them to take advances. You seem to think that there is good ground for this belief.

The Lieutenant-Governor is confident that, if, as represented by Mr. Herschel, the Planters are straining the Law "to invest it with greater terror than it really has," you will see that the Magistrates effectively prevent such abuse.

The circumstances you report, that some Ryots have entered into agreements and taken advances since the promulgation of the Law is remarkable. It proves at least this, that *all* the Ryots, who used to cultivate Indigo, were not, as a matter of course, under agreement to

cultivate this year, and therefore great care is requisite in requiring proof of the agreement whenever the fact is disputed, otherwise grievous injustice may be done.

Mr. Herschel states that in the cases which have been tried, the evidence for the Factories was their own Books, as to the payment of advances, and the oath of one of their own Native servants, whilst no other defence has been put forward than a simple but steady denial of the *receipt* of advances by the Ryot. The Lieutenant-Governor makes no doubt that the cases were decided in conformity with substantial justice, and presumes that in this, as in all other Civil actions now, the Defendant is allowed to give his own evidence on oath, as well as the Plaintiff and his Native servants. But the manner in which the trials are spoken of makes this a little doubtful. If the case be not so, then justice is not done. When the Defendant's oath contradicts that of the Plaintiff's Native servant, the obvious duty of the Judge is to seek out by all means independent evidence, to show which story is the more credible. This duty, it is to be hoped, is never neglected.

The Factory Books show that advances have been charged to the owner of the Factory; but it is not stated that they contain the receipts of the payees; and it is not stated what the evidence of the European Assistant who signs them shows regarding the system of payment and entry.

These omissions in Mr. Herschel's report of the general character of these trials, the infliction by Mr. Mackenzie of the extreme penalty for the first case ever tried under the new Law for destruction of Indigo, and the unexplained sentence of a Legal Agent of some Ryot apparently to imprisonment for six months, show the necessity for the earliest possible revision by you of these proceedings, in order to make it quite sure now, and to be able to make it manifest hereafter, that the principles of equity and moderation are observed by each Officer entrusted with the extraordinary powers granted by the new Law.

From A. Money, Esq., C. B., Officiating Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department, —(No. 4356, dated the 22nd August 1860.)

Sir,

With reference to your letter No. 1374, dated the 27th ultimo, and the petition from the Bengal Indigo Planters' Association which accompanied it, I am directed to forward, for the purpose of being laid before

His Excellency the Governor General in Council, a copy of a Minute recorded by the Lieutenant-Governor on the subject of the complaints and remarks contained in the petition.

Minute by the Hon'ble the Lieutenant-Governor of Bengal,—(dated the 17th August 1860.)

Complaint of the Bengal Indigo Planters' Association.

I AM sorry that an illness of a few days' duration, which made it difficult for me to do more than dispose of current business too important and too urgent to bear any postponement, has delayed my answer to this complaint longer than was desirable.

2. The general charge made against me by the Bengal Indigo Planters' Association, is that since my appointment to my present Office I have acted in such a way as to throw nearly the whole of the Indigo Districts and especially Kishnaghur, into confusion; and the general prayer of the Memorial is, that I be restrained from pursuing a course of conduct alleged to be ruinous to the Indigo Planters of Bengal; that the impropriety, illegality, unconstitutional character, and especial indiscretion in relation to a dispute alleged to be between capital and labor, of interference with the due course of the administration of the Law by the regularly appointed Judicial Officers, imputed to me, be pointed out and checked; and that His Excellency in Council will pass such further orders as may seem proper.

3. It is assumed in the commencement of this Memorial, that His Excellency in Council, in consequence of His Excellency's absence in the Upper Provinces until the 22nd of May last, may not be minutely acquainted with the origin of what the Memorialists call the disturbances in Kishnaghur and the adjacent Districts. It is enough to say upon this, that every proceeding of the Bengal Government, since the difficulties of the Planters were first represented to me, early in March, has been reported in full to Her Majesty's Secretary of State, through the Government of India; at first by every weekly Mail, and latterly by every fortnight's Mail from Calcutta.

4. To the general charge of having acted in such a way as to throw nearly the whole of the Indigo Districts, especially Kishnaghur (or Nuddea) into confusion, it may perhaps be enough to reply, by stating the undeniable fact that those Districts are not in confusion. It is

unquestionable, that whilst there is a great disagreement and much ill-will between the manufacturers of Indigo, and the producers of the raw material, the Indigo Districts, and Kishnaghur especially, in every general sense, are perfectly tranquil. At the commencement of the excitement there were two affrays, one in Moorshedabad and one in Pubna, and there was great risk of a serious and extensive disturbance breaking out, caused by the animosity of the Ryots against the Indigo Factories, in many places. But a timely display of force, sent into these Districts for the general purpose of maintaining order, and for the special purpose of protecting the interest which is now complaining of injury from Government, prevented all breach of the peace, and saved the Indigo Factories. The best Magistrates available were placed over the excited Districts; and by their exertions, supported by an adequate force, a dangerous crisis was passed over without disturbance of the general quiet. To talk of Districts being in "confusion" because of a commercial disagreement between two classes concerned in one particular trade, when the Law is in full force, and when, practically, the life, property, rights and personal liberty even of the humblest cultivator were never before more secure than they now are in those Districts, is not I think justifiable.

5. There are no affrays, no forcible entries and unlawful carrying-off of crops and cattle, no ploughing up of other men's lands, no destruction of trees and houses, no unlawful flogging and confinement in godowns, now reported. Even the offence of kidnapping Ryots seems almost arrested. One Factory Gomashtah in Pubna is now indeed under trial for it; but since the abduction of Seetul Turufdar, whose death under circumstances which appear to make the whole affair amount to murder, occurred, about July 1859, I have not heard of a single case of lawless violence in Nuddea.* Even in matters relating to the present commercial disagreement, Law and Justice prevail. The per-

* Since this passage in the text was written, I have received a report of an outrage which occurred last month in Jessore. According to the Commissioner's Report of this case, a band of twenty-five Lattials were assembled in an Indigo Factory, and marched in broad daylight to carry off a certain obnoxious and influential Ryot from his village. The party attacked had warning and defended themselves. An affray occurred, in which the Ryot whose abduction was designed was killed by three spear-thrusts, and three other men were wounded, and are still missing. Seven men have been apprehended, and will be tried for this offence. This is a lamentable affair, but unfortunately there is nothing new in the case; and certainly it is not an instance of violence, of which the Indigo Planters' Association can complain, or which can be attributed to Government.

sons and property of Planters are everywhere inviolate; and whilst, on the one hand, Planters do not carry off by unlawful force Indigo Plant in the lawful possession of other people; on the other hand, if they have advanced a single copper pice for any Indigo Plant to which they have a claim under a contract, but of which they have a difficulty in obtaining delivery, they have now the means of establishing the fact, and obtaining possession legally, in three or four days. Where no contracts and advances are established, we have reports of Planters and their European Assistants going about themselves amongst the Ryots, and actually paying for the Plant to the owner's content, in cash on the field. This healthy state of things is novel indeed; and if Government is accused because it is novel, I will not defend Government on that charge. But I cannot admit that this practical introduction of the supremacy of the Law into the Indigo Districts is evidence of "confusion."

6. I must notice another misdescription in this Memorial. The commercial disagreement in question is designated a dispute between capital and labor; and I am accused of especial indiscretion, on the ground that such is the character of the dispute. I am aware of no such dispute. Some few instances have been reported to me in which manufacturers of Indigo have found difficulty in obtaining a sufficient number of Coolies, and sufficient Boats and Carts; but in all these cases the difficulty was overcome, eventually, by the good sense of the parties, and sometimes with the help of the good offices of the Magistrate, in the natural and proper way of an adjustment of rates. The disagreement actually existing is between the manufacturers of the Dye, and the producers of the Plant, which is the raw material of the Dye. Both classes are capitalists; and so far from it being true that the capital of the producers is so small, comparatively, that they may be truly described, for practical purposes, as laborers, their capital, *in the aggregate*, infinitely exceeds the capital of all the manufacturers of Indigo Dye. The capital of the Ryot is in his land, his crops and his cattle, and in very many cases in his means of hiring laborers, over and above the value of his own bodily labor. The whole cultivation of Bengal is in his hands; and the ruin of this mighty interest would be the ruin of the country. The capital of the manufacturer of Indigo Dye is partly in his manufacturing premises and utensils, and in his means of hiring laborers, but mainly in the debts due to him by the former class of capitalists, namely the Ryots. If the Planters should

suffer losses there is no one who would more sincerely deplore the circumstance than I should; and there is no one who desires more than I to do everything to assist them that justice and fair dealing with the rights of others, and the principles of freedom and of sound commercial policy, will permit. But as a national interest, the owners and cultivators of the soil must be ranked second to none, in an agricultural country like India.

7. Both the interests involved in the present disagreement are capitalists of great national importance; and both should be treated, not only with justice, but with consideration. A Government which should approach the question with any less impartial view of it than this, would err, as much in point of sound economical policy, as in point of fair dealing. It is proof enough of a mistaken view of the whole question, on the part of the Memorialists, who complain of my proceedings, that they make it a part of their charge that their disagreement with the class which either owns or farms all the land in Bengal, is not "discreetly" treated as a dispute between masters and laborers.

8. I now proceed to discuss the specific points of complaint, affecting myself, taken in this Memorial.

9. The first of these that I can extract, is that on the 7th of April 1860 I pronounced an opinion that Mr. Eden, who had been called upon to explain the publication by a Police Darogah in Baraset of a certain Perwannah, supposed to have been ordered or approved by him, had given a satisfactory explanation on that point; satisfactory, that is, so far as he was concerned in the affair; notwithstanding that three other gentlemen had unanimously condemned Mr. Eden's indiscretion. Seeing that Mr. Eden, in his explanation, showed conclusively that the publication was made a month after he had given over charge of the Magistracy, and had left the District; that he neither ordered, authorized, approved, or knew anything about the Perwannah, and that he first saw it in the newspapers; I do not see how I, or any reasonable person, could have pronounced Mr. Eden's explanation regarding this publication as anything but satisfactory.

10. The second specific ground of complaint is, that I caused a report to spread throughout the Villages, about the beginning of February, on my return from a tour through the Indigo Districts, to the effect that the Government was opposed to the cutivation of Indigo; and that this was caused by my having formed and openly expressed an opinion

hostile to the system of Indigo Planting ; such formation and expression of opinion being the more wrong, inasmuch as afterwards (namely in the earlier part of March,) I plainly stated to a Deputation of the Association that I had never had any experience in the Indigo Districts, and was very ignorant on the subject. The Memorialists do not name or allude to any one as having ever heard me express an opinion hostile to Indigo Planting ; and they do not mention any time or place when and where such an opinion was expressed by me : they merely state their belief in the imputed fact of the formation and open expression by me of the opinion in question ; and in the assumed consequence thereof in the Village report above mentioned. But they adduce in proof of the fact, and of its consequence, this argument ; that in a letter of mine to Mr. Sconce, dated the 23rd of March, wherein, on the application of the Memorialists, I proposed to the Legislative Council the passing, in their favor, of a special Law for the enforcement of Indigo contracts, with the stipulation that it should be followed, as prayed for by them, by a Commission of Inquiry into the whole system of Indigo Planting, I wrote the following words, *viz*—"I am myself of opinion that the Indigo cultivators", (meaning the Ryots,) "have, and long have had, great and increasing ground of just complaint against the whole system of Indigo cultivation."

11. I do not see how this quotation proves either the open expression of opinion imputed to me in and before February or the consequences inferred from that supposed fact. But as the printed book, from which only the grounds of the Memorial can have been taken, contains two denials by me, addressed to two gentlemen interested in Indigo, of my having ever expressed any opinion which could have given rise to any such Village report as is mentioned, I think I have fair ground to complain, if not of the belief of the Memorialists in support of which they can advance nothing, at least of their publishing that belief now, without any mention of the fact of my having formally denied all ground for its existence.

12. I must observe that the whole passage in the Memorial of which I have given the substance above, is thoroughly wrong in matter of fact. I did not return from any tour in the Indigo Districts about the beginning of February. I returned on the 10th of March from a tour of ten weeks, not in the Indigo Districts, but in Southern Behar, namely, through the Chota Nagpore Country, and the Gyah, Arrah,

and Patna Districts, from which I returned by way of Monghyr, Bhaugulpore, Rajmehal and the Line of Railway. In the whole course of that tour, I had no occasion to express in conversation any opinion on the subject of Indigo; and every written communication from me on that subject is printed in the Blue Book. I had no oral communication with any one in the course of that tour concerning Indigo, till I arrived at Rajmehal, about the end of the first week in March, when the District Officer there informed me of the assault on the Factory Gomashtah near Aurungabad. I have never made what can be called a tour in the Indigo Districts; but in August and September last year, I made a tour in Eastern Bengal by water; in which I touched for two or three days at the Sudder Stations of Kishnaghur and Berhampore, amongst others. Nowhere in the course of that tour had I any conversation about Indigo, other than a few ordinary words with Planters about the crops. Many written Petitions were given in to me by Ryots of Nuddea, a large body of whom followed me to Berhampore for the purpose; and I learnt then that the Natives in Nuddea were dissatisfied with the Magisterial treatment in that District of their complaints against Planters. All those Petitions were disposed of by the written orders which will be found printed, at full length, in the Blue Book; but neither at Kishnaghur nor elsewhere did I express any opinion on the Indigo question, or on that occasion speak on the subject to any Native.

13. Thus not only is the belief of the Memorialists mistaken; the whole body of supposed facts on which it has been formed is wrong.

14. There has been some misunderstanding of a remark I made to the Indigo Planters' Deputation in March last. I remember saying that I had never had any experience in an Indigo District; and I have no doubt that I disclaimed all knowledge on the subject of Indigo from personal observation. But I am sure that I did not say that I had no knowledge on the subject derived from others. I knew perfectly the Native opinion on the subject; and I had had a peculiar opportunity of becoming more fully acquainted than most Public Servants with the common abuses in connexion with Indigo, *in all Districts*, so far back as in 1835, when I was employed in digesting a mass of reports from every Indigo District in Bengal; which reports led to the repeal, under the orders of the Home Government, of Section III. of Regulation V. of 1830; and when also all the remonstrances from Indigo Planters against

that measure came under my eye. As to my letter to Mr. Sconce, the opinion therein expressed was founded upon facts which were known to everybody, and were denied by nobody.

15. I have never formed or expressed but one opinion on Indigo Planting. This opinion is, that so far as it is conducted justly, and lawfully; in accordance with the rights of all parties; upon sound commercial principles and by the free will, and to the mutual benefit of all concerned; like the trade in other staples, it is a source of national wealth, deserving of the same high consideration as all other great branches of trade. But so far as it is conducted unjustly, or unlawfully; in digregard of the rights of any class; upon the false principle of a forced cultivation, unprofitable or oppressive to the cultivator of the raw material; it is an evil of great magnitude, whether in its political or in its commercial aspect; and one which urgently requires correction. This correction, whenever actually required, I have always thought, and I continue to think, will be self-acting and complete in the natural course of things, under a legitimate, vigorous, and truly impartial Magisterial action; which, leaving disputes in Civil cases to be settled by the constituted Civil tribunals, abstaining from all support of either party not warranted by the Law, and founding itself wholly on the Law, will give that equal protection from unlawful violence to both parties, in practice, which the Law in theory has always intended.

16. I accept all responsibilities for holding this opinion, and for acting upon it, so far as the occasion required, whenever the necessity of so doing has been forced by circumstances upon me. I have insisted that unlawful violence, on any pretence, shall be prevented or prosecuted to punishment by the Police, without respect to persons, or classes, or complexions. I have objected to the Police forcing unlawfully, or assisting or protecting others in forcing unlawfully, any unwilling person to cultivate any sort of crop whatsoever; and I have insisted that the Police shall not support one man in unlawfully sowing another man's land, by force, on any plea whatsoever. There is nothing new in this doctrine, which has been the Law of the country for seventy years; and there ought to have been nothing new in the practice. If the announcement or enforcement of such very plain and long established principles of Police Law has really had any effect upon the Indigo system, the effect can have been only corrective of evils which should have been corrected long ago.

17. The next specific point of complaint in the Memorial is that I have interfered, to the prejudice of the Planters, with the Local Authorities, in carrying out the temporary Act passed for the enforcement of the current season's Indigo contracts; but for which interference, it is contended, all differences between the manufacturer and the agriculturists [the capitalist and the laborer are the terms used in the Memorial,] would have been settled to mutual advantage, like every other commercial arrangement, upon the simple question of price. Now there is nothing, and there never has been anything in the whole dispute, but "the simple question of price." If the Planter had paid, in cash such a price for Indigo Plant as would have made it more profitable to the Ryot to grow that crop than any other, abstaining also from all molestation of the Ryot by himself or his servants, no one pretends that the Planter would not have got, year after year, as much Indigo Plant as he could pay for. If Planters generally had acted, in the matter of Indigo, upon the principle of giving a remunerating price, the Ryots would have been anxious to sow, instead of declining to sow; and if the Planters were prepared to pay such a price, they would have had no more reason to fear a want of Indigo Plant next year, and in future years, than the Traders in Jute, Sugar, Saltpetre, Silk, or Oil Seeds have reason to fear want of those articles next year, and future years. But the Planters' position, so far from being the position of free Traders as here assumed, was this; that, in consequence of an extensive refusal to sow Indigo, they had been driven to ask for a special Law exclusively in their own favor, and of extreme stringency against the Ryot. The Legislature thought it right to pass such a Law, to be in force for six months only, under the sudden emergency which allowed no time for inquiry: but it carefully put into the body of that Law a provision for the re-assurance of the Ryots, and to calm the alarm the Ryots could not but be likely to feel at being thus suddenly and specially legislated against; whereby a full and impartial inquiry into the whole system of Indigo Planting was ensured before the next sowing season should come. As I would not have proposed, so also I know that the Executive Government of India would not have supported, a special Law against the Ryot, even of six months' duration, without such a provision; which promised, in effect, the redress of all proved grievances; and I have not a doubt that the Legislative Council would not have passed any coercive measure at all, without such a provision.

So strong was the feeling of the Legislature on this point, that whereas in the Bill presented to them mention of the Commission of Inquiry was only made in the preamble, as the Council amended it, a large part of the body of the Law consists of provisions for the Commission; and this was done for the very purpose of showing to the public, and to the complaining Ryots, that though existing lawful contracts must be enforced, an effective inquiry would be almost immediate.

18. On the passing of the Law containing that provision, it became the duty of every loyal subject desiring a continuance of the good feeling of the agricultural class towards Her Majesty's Government, and interested in the preservation of the peace of the country, to make the existence of this consolatory accompaniment of the Act as fully known, and as thoroughly understood, as the coercive portion of the Act. And this was very especially the duty of the Lieutenant-Governor of Bengal.

19. The first article under the general charge of improper interference, as far as I can analyse the Memorial in this part, is that on the passing of the above Act I directed its provisions to be very carefully explained to the Ryots. Unless the drift of this complaint is, that I took measures to prevent any false impressions, such as would have unfairly helped the Planters, regarding the true design and actual effect of the Law becoming general amongst the persons subjected to its coercive provisions, (and it is on record that endeavours to induce such false impressions were not *wanting,) I do not see any meaning in the complaint. If that is its meaning, it deserves no answer. The Law went no further than to provide a summary procedure, and a new tribunal for the enforcement (by a stringent Civil process involving imprisonment,) of lawful contracts in actual existence. I certainly would not have proposed, and the Legislature certainly would not have passed, any Law that went further than that. Even as it is, there are two opinions amongst disinterested persons as to whether any special Law against the Ryot was justifiable, under the circumstances, or not; and if the Law had gone a step further than the just and legal enforcement of actual contracts, there could have been, amongst disinterested persons, but one opinion about it. If it is meant that the Executive Government, whilst leaving to the Legislature the outward show and pretence of fair intention, should have quietly allowed the Law

* See Mr Herschel's Seventh Weekly Report and Mr Grote's Report of 18th April 1860, page 469 of the Blue Book.

to be understood in the Mofussil, and acted upon, as though it had been a Law to force Ryots, being Her Majesty's free subjects, to cultivate Indigo, whether they wished to do so or not, at prices fixed by the purchaser, though they might be under no obligation to do so, and though they might never have received a farthing of consideration,—such an act, in short, as no Legislature would have dared to put into plain words, —His Excellency in Council will not expect me to notice the complaint.

20. It is a part of the same article of charge, that I directed the Magistrates to communicate to the Ryots, "that it is the desire of Government that those Ryots who have received cash advances upon their agreement to cultivate Indigo during the current season, shall honestly fulfil that agreement" Now this is precisely what the Deputation of the Indigo Planters' Association, which had had an interview with me, had asked me to publish to the Ryots, with the object of doing away with an impression which they believed to exist, that Government was opposed to Indigo cultivation; and it is precisely what I had said in a Notification published in accordance with that request.* Yet this Memorial comes from the very same body, complaining of that being said in a letter to the Magistrates, which at their own prayer had just before been published in a Proclamation.

* See page 354 of the Blue Book.
To show the effect of such communications of the desire of Government, the following passage may be cited from a Report of Mr Herschel's "I went to one of the Villages in the Khalboleah Concern, where the Ryots refused to sow On explaining the Law to them they submitted, it being clear that they had taken their advances. 'If that is the order of Government,' they said, 'of course we must sow.' This is the general feeling" Page 467 of the Blue Book.

21. Again, it is complained that in paragraph 9 of the Secretary's letter of the 27th of March 1860, it was pointed out to the Magistrates, for the information of the Ryots, that the Act was only to apply to the current season, thereby keeping alive in the minds of the Ryots a feeling of excitement that a discreet Magistrate if left to himself would have known how to avoid." The meaning of this must be, that although the Legislature had passed only a Law for the moment; and had most carefully provided that the Law itself should show that measures to ascertain, before next season, if any actual grievance required remedy had been resolved upon; and had thereby unequivocally committed itself to the adoption of any remedy required; nevertheless I was to blame for not concealing this formal promise from the class for whose re-assurance it had been made. After what I have said above, I need not say more on this point, than that if this promise had not been published, and the

fairness of the designs of Government had not been made known, I believe that the Government would have had a very different sort of excitement to meet than one involving only the peaceful refusal of one party to strike a bargain with another party, for next season's Indigo. I believe that but for the measures taken, combining the re-assurance of the people in the just intentions of Government, with a prudent show of force, there would have been a movement in which the Planters would have been the first but not the only sufferers.

22. The next article of specific complaint is, that in the Secretary's letter of the 4th April 1860, I held out a threat of removal if any Magistrate interpreted the Act contrary to my views. This is a misrepresentation. I never held out such a threat, or said anything that can be made to have the appearance of such a threat. I have not even in any single instance interpreted the Act, or expressed to any Magistrate my views as to how it ought to be interpreted, upon any point. I have pointed attention to the provisions of the Act *seriatim*, as plainly expressed in the Act in unequivocal terms ; but I have never myself interpreted the Act or any part of it. How necessary, as it has since been proved, it was at that time of excitement to draw attention strongly to the several provisions of the Law, as it actually stood, will be seen from the extract in the margin, taken from a late Report by the Magistrate of Nuddea. I have inculcated the duty, in every really contested case, of a careful sifting of evidence on both sides, and of an attentive consideration, a true spirit of equity, of every case, where the fact of a contract with advances was at issue ; and I am sorry to say that I shall have to show that this caution was very far from being needless. But I have never said a word which was not as much in favor of the Planter, when his cause was just, as it was in favor of the Ryot, when his cause was just.

"On the first issue of the new Law, it certainly was very generally understood by the Police to signify that Indigo was to be sown this year just as usual, and although the meaning of the words cash advance very speedily got known, the proviso was such a clog on all attempts to adopt general measures, that it was practically put out of sight, and if possible it would have been shirked But the Ryots had, perceived their advantage, and used it I early noticed that the Police generally were attempting to override the Law by expounding it in their own way to mean simply 'sow'."

(See original complaint)

23. The position was in all respects peculiar. For the sake of the Planters, at the moment the Act was passed, time was everything. A large number of Officers with Magisterial powers were required, all to be set to work at once, otherwise the object would be lost. There were no

Officers with Magisterial powers existing, who had any the least experience in Civil Judicial business; and many of the only Officers available to me were gentlemen of little experience in any business; whilst of no one of them, all being wholly untried in such business as was suddenly put upon them, could it be certainly predicted that he was qualified for this new and very peculiar task. At the same time the duty, being the rapid trial of equity suits without appeal, was in itself a difficult one, requiring much more than usual calmness and caution, by reason of the excitement, clamour, and misrepresentation, on all sides, which prevailed. With all this, on the justice of every decision might depend the question of the profit or incalculable loss of the Factory, and the question of the comfort or the imprisonment and beggary of the Ryot. From a very limited number of available Officers, I chose those who seemed to me the most likely men to do this new duty well. But being responsible for having tried these Officers at this new work, I should have been inexcusable if I had retained one of them at it after he had shown that he was not qualified to do it, which many Officers, good enough in their ordinary line, would be likely to prove to be. It was thought necessary, for the object of the Law, that the causes in question should be tried without appeal; but it was not necessary, for any object, that they should be tried by Officers who proved to be disqualified for the duty.

24. I did not attempt to review the work of these Officers myself. The Commissioners of Divisions, who are gentlemen of eminent qualifications, and of long experience, were directed carefully to watch the Judicial action of the young Assistants and the Deputy Magistrates employed. I give in the margin the passage in my orders, which the Memorialists describe as a threat of removal to any Magistrate who should interpret the Act contrary to my views.

"As the Legislature allows no appeal from the decisions of Officers vested with powers under this Act, it becomes doubly incumbent on Commissioners to keep themselves constantly informed of the manner in which these Officers discharge the very difficult and responsible duty now imposed upon them, and of the principles by which they are guided in their decisions. These powers, and the opportunity of acting upon them, must not be retained for a day in the hands of any Officer who may show himself not competent to exercise them in such a manner as to do full and substantial justice to all parties."

25. The Memorial next complains that in laying down Rules for the interpretation of the Act, I have exceeded my powers, and trespassed on the province of the Legislative Council and the Judicial tribunals. But the assertion that I have ever laid down Rules for the interpretation of the Act is contrary to the fact. A perusal of the records will show

that, as I have above stated, I have never expressed so much as an opinion regarding the interpretation of the Act. The Law allowed of no appeal; therefore there was no person who could pass any interpretation of the Act, or could inform the Magistrates on points on which they doubted, and asked for information, or could correct errors, or could keep the Magistrates together in any consistent course, with Judicial authority. But the Magisterial Officers, though inexperienced in Civil business, were desirous of acting according to Law, and were reasonably and conscientiously willing to learn the Law from high legal authority. On points, therefore, on which they doubted, or differed in opinion, or acted on what appeared questionable principles, I have several times obtained, and circulated for their information, in a general form, the opinions of the Advocate-General, to which it is but right to say that these Officers have always attached due weight. These opinions have been sometimes in favor of the Planter, and sometimes in favor of the Ryot; but always very much to the benefit of the interests of Justice. But, for myself, having no power to interfere with the Civil decisions, I have neither attempted to interfere with them, nor expressed to the Magisterial Officers any opinion on their merits, one way or the other.

26. The next complaint is, that I have made the Act wholly useless for the purpose which the Legislative Council had in view, by an improper and indiscreet interference with the sentences passed by Magistrates under the Penal Clauses of the Act. In these cases also there was no appeal; but in them, as in all criminal sentences, the Government has the power of mitigation, or remission; and this power involves the duty of exercising it on proper occasions. The absence of an appeal of right made it incumbent on Government to see that, at a moment of great clamour and excitement, the great irresponsible power vested for the most part in young and inexperienced Officers was not abused by systematically hasty, and consequently unjust, convictions and sentences; and to provide that the only possible remedy of any such sentences as might be passed should be applied by means of the remitting power of Government. The Commissioners of Divisions were therefore instructed to keep an eye upon the general action of the Magisterial Officers. This was done most efficiently by those experienced and able Officers. When they found that a Prisoner had been convicted unjustly, or had been punished with very excessive severity, they reported the case to

me, with their recommendation for remission or mitigation. Except upon the recommendation of one or other of those experienced Officers, I have never mitigated or remitted a single sentence. It will be in the recollection of the Honorable Members of Council, that in discussions preceding the passing of the Law, this very safeguard was stated as a reason for not allowing, as in all other cases, an appeal of right under this Act.

27. I say confidently, though I say it with regret, that but for the exercise of this power, and the check which some calls for explanation in some very glaring cases of carelessness imposed upon systematically hasty convictions, unsupported by law or by evidence, and in some instances by either law or evidence, great injustice would have been committed in the Criminal department; a justifiable spirit of hostility to Government would have been excited in the people; and much disgrace would have been incurred by the British Administration. The records are open, in proof of this assertion.

28. The case of the Mookhtear or Attorney of certain Ryots, imprisoned by Mr. Deputy Magistrate Betts, selected for mention in the Memorial as the best case against Government and the Commissioners, is perhaps as striking an example as I could myself have selected of what would have happened, but for the watchfulness of Commissioners. That Mookhtear, at the complaint of a Planter who was about to prosecute Ryots for breaches of alleged contracts which they denied, was sentenced by Mr. Betts, after a trial, which from the record could not have lasted ten minutes, for what was no offence at all, on evidence of what was no offence at all, to six months' imprisonment and a fine of 200 Rupees, and in default of payment to a further imprisonment of six months.

29. The Deputy Magistrate had been so hasty, and his bias towards conviction had been so strong, that he did not stop to look at the Law to see what act constituted an offence under it. Of course, after that flagrant case the Ryots of that quarter could obtain the services of no Legal Agent to defend their causes; and the Prosecutors for several days had it all their own way. There was another Mookhtear in another place similarly treated. It is made by the Association matter of formal complaint against me, that I remedied this injustice as soon as it was reported to me by Mr. Grote, the Commissioner. The release of a Mookhtear who had committed no offence, and his return to defend in

lawful course the causes of his clients, is one of the ways in which it is said that the Act has been made inoperative, and more harm has been done than can be imagined. I am quite sure that the Association have adopted, as a body, an argument which every single Indigo Planter who belongs to it would disdain to use in his own case. No individual Planter, I am satisfied, would say that he desired the Ryots he himself prosecuted to be deprived of all legal advice by sending their Mookhtears for no offence to prison.

30. I append a Statement of all the remissions and commutations that have been made, with remarks. The number of Prisoners who benefitted by these reviews is 126, of the unjust imprisonment of very few of whom could a plausible doubt be raised; and when it is known that at one time the Jail of Nuddea alone held no less than 588 Prisoners, confined at the prosecution of Planters under the Indigo Act, (so as to oblige me to empty it of ordinary Criminals), the number of innocent Prisoners released at the recommendation of the Commissioners will not seem so large as to justify the dissatisfaction of the Association. It appears to me that there are no grounds for asserting that a sufficient number of respectable Ryots have not been incarcerated under the Act, to make an example.

31. The next specific complaint made is of the alleged removal from the Indigo Districts of Messrs. Betts, Mackenzie, MacNeill and Tayler. Of three of these gentlemen it is not the case that they have been removed either from the Indigo Districts or from the most excited part of those Districts. When the Indigo Act was passed it was necessary immediately to place an Officer with full powers in the neighbourhood of all those places where numerous suits were expected to be filed; and amongst the Officers selected for this purpose were Mr. Mackenzie and Mr. Tayler for Nuddea. When Mr. Mackenzie's services could be spared from Nuddea, he was appointed to the charge of the Sub-Division of Norail in Jessore, and when Mr. Tayler's services could be spared in Nuddea, he was sent to his own Sub-Division of Magoorah, also in Jessore. At both of these Sub-Divisions, which are in the thickest of the Indigo country, Sub-Divisional Officers were urgently required, in consequence of the Indigo excitement. So far from being removed from the Indigo Districts, these gentlemen were posted at two of the most important points in them, and were promoted to Sub-Divisional charges. Mr. MacNeill stood appointed to the Sub-

Division of Bongong, in Nuddea, and when his services were no longer urgently required there, and were urgently required at the Sudder Station of the same District, to fill the vacant Office of Joint Magistrate and Deputy Collector there, he was promoted to act in that Office.

32. Mr. Deputy Magistrate Betts had been taken temporarily from his Sub-Division at Diamond Harbour, to do duty under the Act in the interior of Nuddea. In consequence of the hastiness and want of judgment and attention which he manifested in his proceedings, whereby injustice was done, the Commissioner, Mr. Grote, ordered him into the Sudder Station,—an act of which I entirely approved. As experience had shown that the services of Mr. Betts could not be unobjectionably employed in proceedings under the Indigo Act, he returned to his own Sub-Division, and to the ordinary line of his duty. It was Mr. Betts who committed the grave error of imprisoning the Mookhtear, on a charge of what was no offence; an error which caused much local excitement, and involved the Administration in much local discredit, till it was rectified. It is unhappily too apparent that Mr. Betts' return to his ordinary line of duty was not too soon; for it has since, quite accidentally, come to my knowledge, that in one of his Civil cases he gave the Planter a decree against the Ryot, on a written agreement purporting to have been made in 1856, executed on stamped paper which, on inspection, proves to have been sold in 1859. When it is remembered that the absence of appeal makes redress in these Civil cases impossible, however glaring the injustice done; and that on such false suits as this, thus hastily decided, respectable Ryots, in comfortable circumstances, are sold out of house and home, sent to prison, and reduced to beggary, no human power existing to remedy the wrong; can I be justly blamed for having done from the first my utmost to secure both parties from liability to suffer under such hasty decisions?

33. It is not open to the Indigo Planters' Association to complain of my removing from the Indigo Districts a Magisterial Officer, on the ground of his being wanting in the qualities necessary for the proper discharge of the duties required of such an Officer, at this critical time. For this very same body, on this very same ground, lately petitioned me to remove from this very same District of Nuddea Mr. Herschel, the Magistrate. Considering the circumstances of the time, this application appeared to me quite reasonable, provided the fact assumed were established. Mr. Herschel's official position was much

higher than that of Mr. Betts; but I immediately called upon him for an explanation upon the points on which exception was taken to his acts; and I directed the Commissioner to report upon them, and upon the general character of Mr. Herschel's proceedings. Upon receipt of the explanation and report, I carefully went into them point by point. The result, as it happened, was highly creditable to Mr. Herschel; and all the complaints proved to be without any sound foundation. But if the result had been otherwise, I should certainly have acceded to the prayer of the Association, by transferring that Officer to some more quiet District. It will not be contended that unqualified Officers should be removed when the complaint comes from one side, but should not be removed when it comes from the other side. Yet unless this principle is contended for, the complaint by the Association of the removal of Mr. Betts is as little to be justified as their complaint of the removal of the three other gentlemen named, who have not been removed.

34. Again, it is complained in the Memorial that I substituted two experienced Principal Sudder Ameens, for the young Assistants and Deputy Magistrates, in the trial of the *Civil* suits under the Act. This measure was recommended by the Commissioner and was carried into effect when the sowing season was over; and when, therefore, there was no longer any object in very rapid decisions of these Civil suits. Such decisions could no longer have any effect on Ryots other than the parties in the suits; and if the Plantiffs got their decrees and execution by the end of the season, they would be compensated in good time for the loss of the Plant. The ordinary business of the Nuddea District was getting into excessive disorganization, by nearly the whole time of its Magisterial and Revenue Officers being occupied in these Civil suits, which were quite foreign to the proper functions of these Officers. Under these circumstances, I requested the Sudder Court to select two Principal Sudder Ameens to try the remainder of the Civil cases; leaving to the Magisterial Officers all trials under the Penal Clauses of the Act, as a part of their proper business.

35. The objection taken to this measure is that Prosecutors have complained, not that in any single instance a claim has been improperly rejected by the Principal Sudder Ameens, but that their claims, when submitted to these experienced and able Civil Judges, are thrown out of Court, to such an extent that the Planters have found "the absurdity of continuing to institute suits under the new Act." As it is impossible to

contend that the young Assistants and Deputy Magistrates, who had had no Civil Judicial experience, tried Civil causes more properly than selected Principal Sudder Ameens who have been at that business all their lives; and who in their own line try irreproachably Civil suits unlimited in amount, in cases that go eventually before the Privy Council; I can only treat this as a complaint by Plaintiffs, who may win and cannot lose of having to bring their causes before good Judges. It must doubtless have been agreeable to Planters when their suits were tried in such a fashion, that decrees were obtainable on agreements purporting to be four years old, though written on Stamps which were in the Vendor's shop one year ago. But I do not admit that I am to blame for a measure, an incidental effect of which has been the trial of suits in a thorough manner, because the majority of claims have broken down under such a trial.

36. It is indeed too true that, before the Principal Sudder Ameens took up these suits, decrees against the Ryots, upon alleged contracts and alleged cash advances, were rapidly obtained in large numbers; and that since that time, on the very same sort of evidence, the same sort of claims have been for the most part rejected, upon the question of fact. But the reasonable inference is that the fault was rather in the decisions of the inexperienced Officers, who decided in a hurry, at a time of great excitement and clamour, when the question of sowing was at issue, than in the experienced Judges, who decided at leisure, when there was nothing to distract their minds from the plain question of fact involved in each case. And unhappily the injustice done by the hasty decisions of the former period is not left to mere inference. I have mentioned one striking case, accidentally come to notice; but it is little worse than several others. I have information of a Ryot who was imprisoned for three months, but against whom no award was ever given; and of another, all whose property was sold in execution, though no decree was ever passed against him, and no proclamation of sale was ever issued. The Indigo Commissioners found two Ryots imprisoned under this Law, in Nuddea Jail, who were stone-blind, and who therefore could not have contracted to cultivate, and could not have cultivated if they had been under contract to do so. All the damages given at first were infinitely higher than they ought to have been, being more than double the *maximum* penalty universally entered in Indigo contracts, wherever such contracts in writing exist. One of the largest and most respected Planters in India

has himself lamented to me this error. It was reported to me that one Deputy Magistrate cast the Defendants in seventy-nine cases within four days, and assessed the damage in every case at Rupees 20 a beegah, exactly double the well-known customary *maximum* rate, which is Rupees 10 a beegah. It is not doubtful that these cases, which every Villager knew in his heart to be wrongly decided, shook the confidence of the people in our just intentions.

37. The next specific complaint is the circulation, for the general information of Magistrates, of a decision given by Mr. Herschel, which, in the Commissioner's opinion, afforded a striking example of the necessity of testing the truth of the papers and accounts produced by the Plaintiffs, as evidence in their own favor, before admitting them to be conclusive. In this matter, the Commissioner of Nuddea reported to me in the words transcribed in the margin. He applied for eight printed copies of the decision he forwarded, for circulation, in order to show Officers, "the necessity of patiently and thoroughly sifting the evidence in similar cases, before pronouncing judgment." This was approved, and the copies were furnished. I cannot see any good ground for objecting to the circulation of an instructive case, showing the practical necessity of caution in admitting paper evidence; or to the inculcation of patiently sifting all evidence. Where the Factory papers are true, testing them will make their value apparent; it is only fabricated documents, such for example as the old agreement on a new Stamp above mentioned, that can suffer by a thorough scrutiny. The common result of a proper judicial scrutiny into the evidence advanced in support of the mass of attempts to establish contracts and cash advances, is shown by the fate of the majority of the cases tried when experienced Civil Judges, able to give as much time as was necessary to get at the truth of every claim, were employed in these trials.

"My object, however, in submitting the record, is to afford the Lieutenant-Governor an opportunity of judging from actual facts of the system on which in this instance the Factory accounts appear to have been kept, of the manner in which the advances to a number of Ryots are asserted to have been conducted, and of the gross attempt to establish proof of their having been made by the production of evidence of the most weak and worthless description."

38. I do not wish to be understood as desiring to justify my measures by throwing blame, personally, on the prosecuting Planters. It is avowed and known that the work of prosecuting claims was left to the Native Amlah of the Factories; who do not appear to have been under any practical check, and whose peculiarly unscrupulous character is denied, in general terms, by no person, European or Native, of any class.

I believe the Planters themselves are more cheated and deceived by these men than any other persons are. The best-intentioned Planters, therefore, must expect an intelligent and just Judge to spare no pains in testing evidence got up by such agency.

39. In one passage of the Memorial it seems to be implied that the loss of their cases before the Principal Sudder Ameens, by Planters, is the result of interference with those Officers. If this be meant, it is no less unfair to those gentlemen, whose judicial impartiality is unimpeachable, than to others. For myself, I can only say that since Messrs. Bell and Davidson were appointed, I have neither interfered with them nor corresponded with them ; and with reference to a statement made by a Planter to the Indigo Commission, I have received from the Commissioner of Nuddea a denial of all interference with them on his part.

40. The last specific complaint made in the Memorial relates to a Notification published by the Commissioner of the Nudden Division in Bengallee, of which a translation into English is given in the Memorial. It is objected to this Notification that it shows my views on the subject of the Indigo disputes, (which it is inferred are such as to be blameable,) and my interference and implied disapproval of the Act passed concerning them. I speak sincerely in saying that I cannot answer this, because I cannot see the process of reasoning by which the inference as to my views, and the assertion as to my interference, are founded upon this Notification. As to my views, whether they are blameable or not, I have in paragraph 15 of this Paper explained them in plain words. As to my disapproval of the Act, I recommend the Act myself. The Act as originally prepared was in many points much improved by the Legislative Council in Committee, and in some points it was altered, in my opinion disadvantageously, by enlarging its scope too much for the raw hands into which its execution was, of necessity, first entrusted. But I approve of the Act; and how my disapproval can be argued from Mr. Lushington's Notification, I cannot see. And as to interference with the Act, the Notification does not contain one word.

41. It is objected further to this Notification, that it will be injurious in the case of contracts now in existence extending beyond the present season. The original Notification is in Bengallee, and I do not know how far the translation given in the Memorial is quite precise. It appears to me, from its purport, to have in view only cases in which

Ryots are free to contract, or not, next year. But it may be that the wording might have been more clear on this point; for Mr. Herschel objected to the Bengallee wording on the ground that it might lead Ryots, under unexpired contracts, to expect release next year; which at present, pending action on the Indigo Commission's Report, no one is in a position to promise; and therefore that it might possibly give rise to popular disappointment and irritation next year.

42. My concern in this matter was this. From the Weekly Reports received from the Nuddea District, it appeared that a very large number of Ryots, even when cast in damages, preferred being sent to prison, and sold up, to cultivating Indigo for this one season. It was a grievous thing to see a Jail crowded with worthy men of this respectable class. I had reason to suspect that so many Ryots would not have preferred this ruinous alternative, if they had been fully assured that, by cultivating Indigo this one year, their position next year would be none the worse. This suspicion was confirmed by a report, then lately received, that certain Ryots on the borders of the Jessore District were still ignorant of the promise of a Commission of Inquiry. With a view, therefore, to make the Ryots understand their true position, the following instructions were issued to the Commissioner of the Nuddea Division.

"The Lieutenant-Governor desires that you will strongly urge on all the Magisterial Authorities engaged in the enforcement of the new Law, the great importance of impressing upon the minds of the Ryots who have been prosecuted and cast, and upon all their neighbours who, there may be reason to believe, have taken advances for this season, and upon all Ryots in general who are in the same position, but hesitate to sow, the facts, that the present Law is temporary in its operation, and that before the next sowing season has come round, a Commission of Inquiry will have sat who will listen to whatever grievances they may have to complain of, and on whose report it is certain that such a system will be established next year as will be equal and just to all parties. After this season it will be at the option of the Ryots to contract and take advances for Indigo, or not, as they please; and those who this year fulfil their bargains for this year will be in every respect as free to choose their own course next year, before the season for sowing arrives, as those who foolishly go to prison and involve themselves in ruin."

Accordingly a Notification, in Bengallee, to the above effect was prepared and issued by the Commissioner, for circulation in the Kishna-

ghur, Jessore and Baraset Districts. Mr. Herschel, the Officiating Magistrate of Nuddea, however, as I have observed, objected to the issue of the Notification in his District, chiefly on the ground that in it the orders of Government had not been correctly expressed. But the Commissioner feeling himself satisfied on that point, issued the Notification himself. When Mr. Herschel's objections were brought to my notice, the Notification had been already issued ; and the sowing season was nearly over. I did not think, therefore, that any good would be done by entering upon the question raised.

43. The evil was, that some Ryots, determined at all hazards to be free of Indigo in future ; and looking upon the penalty of the sale of all they possessed, and imprisonment, however painful the process, as a final and unquestionable severance from the Indigo system ; and being ignorant that their position next year would be no worse without this sacrifice than with it ; were ruining themselves, often as much to the loss of the Planter as to their own loss. The object was to save all parties from this needless evil, by explaining the actual effect of the temporary Law in force, and the true design of Government in passing it. All public Officers did no more than their bare duty in using their utmost endeavours that no person should be ignorant or deceived in this important point.

44. On the concluding prayer of the Memorial, I have only to submit that I have never interfered in any judicial cases pending or decided, having no power to do so ; and that I do not know what is meant by that part of the prayer which speaks of the promulgation of the Law being left to the Legislature. But the duty of exercising the power of remitting criminal sentences, whenever proper occasions for the exercise of that power arise, and the duty of seeing that Magisterial powers are not entrusted to partial or incompetent Officers, are duties of which I cannot divest myself. And every Government is bound to make the Law known to the people, when it is essential to their interests, and to the public tranquillity, that they should not be ignorant or deceived about it.

45. I have now replied to every complaint, general or specific, that I can discover in this Memorial. I have discussed each point at length, because I have thought it well to take this opportunity of respectfully submitting to His Excellency the Governor-General in Council, a full exposition of the principles on which I have acted throughout the agita-

tion in the Indigo Districts. I have made it my first object to preserve the public tranquillity. The authors of the few breaches of the peace that have occurred have been all promptly punished; and the general tranquillity has been preserved. I have insisted that all classes of men should have the protection of the Law in person and property, as far as the Magistrate has power to protect them; and all classes have been throughout protected. I have taken care that the Law passed for the summary enforcement of true and lawful contracts, whereof the whole spirit and design are equitable, should be understood and acted upon as it was passed; and not as many would have had it, as if it had been a Law confiscating for the current season the Ryot's land for the Planter's profit. And this object too, in a short time, was accomplished. I should have taken shame to myself if I had so acted as to gratify either party, at the expense of the just rights of the other. But so far as was consistent with Law and Justice, and so far as was possible without infringing the freedom and rights of any class of Her Majesty's subjects, it has been my earnest wish to assist the Planters in their difficulties. I confidently refer to the Proceedings of Government in proof of this. And had there appeared amongst the District Officers the slightest indication of an undue disregard of the just rights of the Planters, or of the advantages given by the new Law to all who had made any actual cash advance, the error would not have been for a day uncorrected by me.

46. The Indigo crisis has been known for some time, by well-informed men, to be inevitable; and to be the more likely to be dangerous the longer it should be deferred. But I do not believe that the most sanguine of those who expected the sudden and violent break-up of a false system, ever expected that the crisis would pass over so peacefully as it has done, and on the whole with so little injury to the great interest at stake.

(Signed) J. P. GRANT.

Statement of remissions and commutations of punishment under Act XI. of 1860.

Name of Prisoner.	Offence charged.	Sentence.	Name of the Officer who tried the case.	Grounds of release.
(1.) Teetooram Chuckerbutty, Mookhtear.	Instigating Ryots not to sow Indigo.	Six months' imprisonment and a fine of Rupees 200, in default, to a further imprisonment for six months.	Deputy Magistrate Mr. G. C. D. Betts.	The offence charged was not an offence under the Law. The Defendant was the legal adviser of the Ryots, and as such was acting legitimately in advising them to follow what course he thought best. Moreover, the Prisoner was found guilty of the charge on what was no evidence of any specific act or speech whatever. This case created a great sensation in Nuddea. For some time the Ryots were without any legal adviser whatever.
(2.) Tara Chaund Sheik, Manick Mullick, Moli Sheik, Joshun Sheik, Mechai Mundul.	Maliciously destroying and damaging a growing crop of Indigo.	Three months' imprisonment each, with labor, commutable to fines of Rupees 25 each.	Deputy Magistrate W. L. Mackenzie.	The Commissioner recommended the release of these Prisoners on the ground that the trials were conducted in the most unsatisfactory manner, and the Prisoners convicted on the most insufficient evidence. On a perusal of the statements of the trials, the Lieutenant-Governor concurred with the opinion of the Commissioner, and ordered the release of the Prisoners.
(3.) Sadoo Churn Kurmokar, Rheno Sheik, Ramjoy Das, Nathoo Sheik, Meghai Mullick, Haboo Sheik, Danesh Sheik, Gooreeb Sirdar, Amir Sheik, Jadub Sheik, Hossein Ali and Ismali Sheik.	Ditto ditto ...	Six months' imprisonment each, with labor, commutable to fines of Rupees 50 each ...	Ditto ditto ...	
(4.) Bharan Mundul, Moneraj Biswas, Hyder Mundul, Kurreem Mundul, Ramesheran Malaw.	Ditto ditto ...	Three months' imprisonment each, with labor, commutable to fines of Rupees 25 each	Ditto ditto ...	In this case, although the conviction was borne out by the evidence, the punishment awarded appeared to be unnecessarily severe. The Lieutenant-Governor therefore, on the Commissioner's recommendation, ordered it to be reduced to one-half
(5.) Haradhun Biswas, Baukallah Sheik, Golami Sheik, Beekul Mundul.	Intimidating Ryots ...	Baukallah Sheik, to one month's imprisonment and a fine of Rupees 6, and Golami Sheik and Beekul Mundul to a fine of Rupees 10 each.	Deputy Magistrate Mr. F. T. Platts.	The offence charged in the Indictment was intimidating Ryots, whereas the offence constituted under Section V. of Act XI. of 1860, is intimidating a person who has contracted to sow Indigo this season, but the Ryots said to have been intimidated in these two cases were not shewn to have entered into any contract at all. In consequence of this fatal legal objection, as well as of the incorrectness of the verdicts, the Lieutenant-Governor, on the Commissioner's recommendation, ordered the release of the Prisoners.
(6.) Ameer Halsana ...	Ditto ditto ...	Three months' imprisonment, and a fine of Rupees 10.	Ditto ditto ...	

(7.) Kistolal Jowatdar, Kistomohun Jowatdar, Hasil Biswas and Yasin Biswas.	Intimidating Ryots ...	Three months' imprisonment, and a fine of Rupees 10.	Deputy Magistrate Mr. F. T. Platts.	A similar Case to No. 5.
(8.) Kadar Nath Sircar, Mookhtear.	Instigating Ryots ..	Three months' imprisonment, and a fine of Rupees 30.	Ditto ditto ...	A similar Case to No. 1.
(9.) Hullodhur Biswas, Sadoo Churn Biswas, Guddadhur Biswas, and eight others.	Maliciously destroying and damaging a grown Indigo Crop.	Three months' imprisonment each, with labor, commutable to fines of Rupees 25 each.	Deputy Magistrate W. L. Mackenzie.	The evidence for the prosecution consisted only of Factory servants who happened to arrive at the spot from different parts of the country at the same time, but whose statements of what they saw were bare, deficient and irreconcilable. On the Commissioner's recommendation the Prisoners were released.
(10.) Hyder Wollah, Ramzan Mundal, Rutton Poramanick.	Intimidating Ryots ...	Six months' imprisonment each, and Rupees 50 fine, in lieu of labor.	Mr. Assistant Magistrate G. Tayler.	A similar Case to No. 5.
(11.) Thirty-nine men (names not given.)	Breach of Indigo contract.	To pay to Government a fine of Rupees 100 each, if they did not sow, in default of which they were sentenced to imprisonment.	Ditto ditto ...	As this extraordinary order was entirely against the Law, the Prisoners having been criminally punished for breach of a Civil contract, they were ordered to be released on the Commissioner's recommendation.
(12.) Lall Chand Mundul, Turibut Mundul, Baool Mundul and Denoo Mundul.	Intimidating Ryots ...	Six months' imprisonment	Deputy Magistrate Mr. W. L. Mackenzie.	A similar Case to No. 5.
(13.) Kala Chund Mundul ..	Ditto ditto ...	Fine of Rupees 50, or three months' imprisonment.	Mr. Assistant G. Tayler	The evidence for the prosecution in this case was most weak and contradictory, and the defence was not inquired into. The Commissioner recommended the release of the Prisoner.
(14.) Nundo Doss, Mehar Ally Sheik, Kurreem Mundul, Tinkoree Mundul, Nokolee Sheik, Jaroo Sheik.	Destroying Indigo Crop.	Six months' imprisonment ...	Deputy Magistrate W. L. Mackenzie.	The Commissioner recommended the release of these Prisoners on account of the worthlessness of the evidence for the prosecution.
(15.) Koopoobeddee Joardaf, and six others.	Ditto ditto.	Six months' imprisonment, and Rupees 200 fine.	Mr. Assistant Magistrate Maclean.	Ditto ditto.

Name of Prisoner.	Offence charged.	Sentence.	Name of the Officer who tried the case.	Grounds of release.
(16.) Missur Biswas, Jokee Mundul, and Heeder Mundul.	Intimidating Ryots ..	Three months' imprisonment with labor.	Deputy Magistrate Mr. W. L. Mackenzie.	The Commissioner recommended the release of these Prisoners on account of the worthlessness of the evidence for the prosecution.
(17.) Nusseeram Ghose, Kaboo Sheik, Sadoo Churn, and sixteen others.	Malicious destruction of Indigo.	Three months' imprisonment.	Mr. Oliphant, Officiating Joint Magistrate.	The evidence against the Prisoners showed only the fact that their cattle were found grazing in a Indigo field, but whether they had strayed there, or were driven there on purpose, was not proved. The Commissioner recommended the release of the Prisoners.

From W. GREY, ESQ., Secretary to the Government of India, Home Department, to A MONEY, ESQ., C. B., Officiating Secretary to the Government of Bengal,—(No. 1639, dated the 31st August 1860.)

SIR,

I AM directed to acknowledge the receipt of your letter No. 4356, dated the 22nd instant, submitting a copy of a Minute by the Lieutenant-Governor on the Petition of the Indigo Planters' Association, which was forwarded for His Honor's remarks with my letter No. 1374, dated the 27th ultimo.

2. In reply, I am desired to state that the Governor-General in Council has read with satisfaction the clear exposition of the course which His Honor the Lieutenant-Governor has pursued, and which, in all its general features, were already known to and approved by the Government of India as being marked by a sound, temperate and impartial judgment.

3. There is, I am to observe, one point only on which the explanation given is not so satisfactory as the Governor-General in Council could have wished. It is much to be regretted that the Proclamation issued by the Commissioner of Nuddea was so incomplete as not to take cognizance of the position of those Ryots who are under engagements to sow Indigo in years subsequent to the present year. It is to be regretted that the instructions under which the Proclamation was framed did not take distinct notice of the cases of such Ryots. The Governor-General in Council has reason to believe that in some instances Ryots in the above mentioned position considered themselves to be set free from obligations which it certainly was not the intention of the Lieutenant-Governor to overlook; and I am to request that His Honor will consider whether measures should not now be taken to place the matter before these Ryots in its true light.

4. With the above named exception, the Lieutenant-Governor's refutation of the charges which have been brought against His Honor's administration in a time of great excitement and difficulty is complete; and I am desired to intimate that His Honor may depend upon receiving the full and cordial support of the Governor-General in Council in continuing to act on the principles on which he has hitherto acted.